

A JOURNAL
OF THE
PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES
OF THE
TERRITORY OF FLORIDA.
AT ITS
SEVENTEENTH SESSION.

BEGUN AND HELD AT THE CITY OF TALLAHASSEE, ON MONDAY, THE SEVENTH
DAY OF JANUARY, EIGHTEEN HUNDRED AND THIRTY NINE.

TALLAHASSEE.

S. S. SIBLEY, PRINTER, FLORIDIAN OFFICE.

1839.

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A JOURNAL

Of the Proceedings of the House of Representatives of the Territory of Florida, at a session of the Legislative Council begun and held at the Capitol in the City of Tallahassee on Monday the 7th day of January, 1839.



The following members of the House appeared to wit:—

From Escambia county,	E. L. DRAKE.
" Washington,	WASHINGTON TABOR.
" Walton,	D. NIEL McLEOD.
" Jackson,	J. BRETT.
" Leon,	J. W. BANNERMAN, WILLIAM TRADEWELL, D. McRAENY, AND A. F. DUVAL.
" Madison,	ELISHA SUMERLIN.
" Hamilton,	WM. M. REED.
" Alachua,	ARCH'D. McNEILL,
" Nassau,	J. L. THIGPIN.
" Duval,	S. L. BURRETT AND GABRIEL PRIEST:
" St. Johns,	E. B. GOULD.
" Gadsden,	WM. B. McCALL, & ISAAC FERGUSON.
" Jefferson,	A. J. DOZIER, AND E. E. BLACKBURN.
" Hillsborough,	WM. COOLEY.

Who severally took the oath of office, prescribed by law, before the Hon. Thomas Randall, Judge of the Superior Court for the Middle District of Florida, and took their seats.

On motion of Mr. Drake, the House then adjourned until to morrow, at 12 o'clock.

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TUESDAY January, 8th, 1839.

The House of Representatives met pursuant to adjournment, a quorum being present the journal of yesterday's proceedings was read.

Mr. James Niblack the member elect from Columbia county, appeared, was duly qualified and admitted to a seat in this House.

On motion of Mr. Blackburn, Mr. Tradewell was appointed chairman, and took his seat. The House on motion then proceeded to the election of Speaker.

Mr. Drake of Escambia county, was duly elected speaker of the House of Representatives, whereupon he was conducted to the chair, by Messrs. Duval, and Blackburn, a committee for that purpose, when he made the House a suitable address.

The House on motion of Mr. Blackburn, went into the election of its officers.

Jos. B. Lancaster, was unanimously elected Chief Clerk of the House of Representatives, and duly sworn into office.

Moses Ellis, was unanimously elected Door Keeper, and duly sworn into office.

Seth P. Lewis, was duly elected Sergeant at Arms.

Robert B. Copeland, Neill McPherson, and Cervantes Harris, were duly elected enrolling and engrossing clerks.

On motion of Mr. Tradewell—Ordered, that a committee be appointed to unite with the committee from the Senate, to inform the Governor that both Houses of the Legislative Council are now organized and ready to receive any communication, his Excellency may please to make.—Messrs. Tradewell, Dozier and Priest, were appointed on said Committee.

On motion of Mr. Blackburn—Ordered that a committee be appointed to contract for the printing required by the House during the present session.—Messrs. Blackburn, Gould, and Duval were appointed thereon.

The House on motion of Mr. Tradewell, then adjourned until Friday next at 12 o'clock, to meet at that time at the old court room, with the intent to surrender their room in the Capitol for the accommodation of the Senate.

FRIDAY, January 11th, 1839.

The House met pursuant to adjournment.

Mr. William Mooring, a member elect from Jackson county, and

Mr. E. J. Wood, the member elect from Calhoun county, appeared, were duly qualified and took their seats.

A quorum being present, the Journal of Tuesday's proceedings was read.

Seth P. Lewis, the Sergeant-at-Arms of the House of Representatives, appeared and took the oath of office prescribed by the rules of this House.

William Cooley, esq., the member from Hillsborough county, offered the affidavit of W. H. Boyd, shewing his right to a seat in this House, which was read, and on motion of Mr. Wood, referred to a select committee. Messrs. Wood, Dozier and Burritt were appointed on said committee.

Mr. Dozier from the committee appointed to act with the joint committee of the Senate, to wait upon His Excellency the Governor, and inform him that both Houses of Legislative Council are now organized, and ready to receive any communication he may have to make to them, Report, that, that duty has been performed and that he will transmit his annual communication to day at an early hour.

On motion of Mr. Wood—it is ordered, (the rule being waived,) that the select committee appointed to contract for the printing for the House of Representatives, be instructed to submit such proposals to this House, before contracting for the same, for their approval.

His Excellency, R. K. Call, Governor of the Territory of Florida, transmitted to the House his annual communication, by his private Secretary, Mr. Copeland—which was read, and on motion of Mr. Blackburn, 1000 copies ordered to be printed.

MESSAGE.

To the Senate and House of Representatives of the Legislative Council of Florida:

We have much cause to be thankful to the Giver of all blessings for the dispensations of the past year. Uninterrupted health has prevailed throughout our country, and abundance is every where to be found. One cause alone continues to cast a shade over our prosperity, but while it is painful to reflect on the sufferings and distress of those who have been visited with the calamities of war, it is gratifying to know that so large a portion of our Territory has escaped its ravages, and continues to prosper under the protecting care of Heaven, and the industry and enterprize of our citizens.

In pursuance of an act of the last session of the Legislative Council, an important measure has been adopted by the people of Florida. Delegates have been elected to represent them in Convention. Those Delegates have assembled, and are now deliberating on the provisions of a Constitution for our future government, as an independent and sovereign people. The opinions I have heretofore expressed on this interesting subject, in my annual communications with the Legislative Council, remain unchanged. I entertain no doubt with regard to the expediency of the measure, and the advantages which will result from a change in our form of government. Should the proceedings of the Convention be approved by the people, and our right of admission into the Union be acknowledged by Congress, it will become necessary, during your present session, to provide for the organization and support of a State Government.

Preparatory to this desirable event it is important that our revenue system should be revised and remodeled. At each session since I have been clothed with the executive authority I have endeavored to impress on the Council the urgent necessity of this measure. The imperfections of the present system are too glaring to require illustration by argument, and the objections it presents are too manifold to enumerate. The law imposes no penalty on the proprietor for a false, or imperfect return of his taxable property, nor is he required to make his return under oath, either as it regards the quantity or quality of the property assessed. Hence it is believed that a large proportion of the real estate in this Territory subject to taxation, has never been reported, and it often occurs that land is returned in a lower grade than is consistent with its character. Lands are required to be taxed according to their quality, and in most instances the assessor is compelled to depend on the description given by the proprietor. I therefore recommend an entire re-organization of this department, and the adoption of such measures as will insure the faithful assessment, collection, and disbursement of the public revenue.

The Reports of the several Banks of the Territory required by their charters to be made to the Executive, at the close of the year, not having yet been received, I am unable to give you certain information with regard to their present condition. I am happy to inform you, however, that it is believed they have generally resumed specie payments, and that in every other respect they are in good condition, and worthy of high credit.— They have done much to encourage the enterprise and industry of this community. They have sustained the credit and pro-

moted the interest of every class of society, and the general prosperity and success of our merchants, at a period when the whole commerce of the nation was prostrate, and embarrassment and bankruptcy every where else appeared, is mainly to be attributed to the accommodation and relief afforded by these institutions. Amidst the wreck of commerce, the destruction of credit, and the loss of public confidence, it is worthy of remembrance, that no commercial house failed within our Territory. Another important advantage has resulted from the establishment of the Banks. They have not only afforded facilities for the purchase of property, which has given every article an increased value, but they have promoted promptness in the payment of debts, and there is perhaps no part of the world where there is greater punctuality in the discharge of pecuniary obligations, than is to be found among the people of this Territory. The rich products of our soil, and the present activity of commerce, will soon enable our planters and merchants to return to the Banks the sums which have been borrowed, and when this shall have been done, the Banks of Florida will be in as prosperous a condition as the best monied institutions in our country. With the exception of two inconsiderable corporations which exploded during the past year, it is believed that the Banks of Florida have been conducted with distinguished integrity and propriety. Some of them may have been too liberal in relieving the wants and necessities of those who required relief; but this should not constitute a ground of complaint against them in that community which has experienced the advantages of this liberality. My opinion on the subject of Banks has heretofore been fully expressed. I am opposed to the policy of giving them unbridled liberty to issue bills beyond their power of redemption, and believe that every charter should provide for its own forfeiture, when the institution shall fail to redeem its notes according to their tenor. But I would not abolish them, even if we had the power to do so, or impose on them such restrictions as would destroy their usefulness to the people. I consider them indispensable agents for the promotion of commerce, and highly advantageous in the ordinary transactions of life. And while I would not advance them at the expense of individual interest, I regard them as having just claims to our favourable consideration and protection. So soon as the reports from the several Banks shall have been received, they shall be communicated to the Legislature with such remarks as their respective conditions may seem to require.

Since the last session of the Legislative Council, our frontier settlements have been greatly harrassed by the marauding bands

of the enemy. Notwithstanding the formidable and well appointed force employed by the Government in prosecuting the war, and in defending the frontier, the struggle with the Seminoles still continues with all the appalling incidents of savage warfare. During the last summer, numerous and distressing instances occurred, in which whole families were murdered by the midnight attacks of the enemy. The frontier inhabitants were kept in a state of perpetual danger and alarm, and although the troops of the Government were actively employed in their defence, it became necessary in the opinion of the Executive, on the urgent application of the people and the officers of the exposed districts, to order a portion of the militia into service. In Middle Florida these troops have been recognised by the Government, and most of them have been mustered and paid for their services. But in East Florida, where a much larger force was employed, the Commanding General did not consider them necessary for defensive operations. In consequence of which, the troops called out from the counties of Alachua and Columbia have not, and perhaps will not be paid by the United States. A correct return of the number of officers and men, or of their term of service, has not been received from the county of Alachua. But, the officer commanding the militia of Columbia county, reports a whole regiment to have been in service, amounting in the aggregate to seven hundred and ninety three officers and men. Whether so large a force was necessary for the defence of the settlements, is a question which the Executive is not prepared to decide, as the scene of operations was too remote to enable him to form a correct opinion on the subject. The laws of the Territory require the Executive, in cases of invasion or insurrection, to order out such portion of the militia as he may deem necessary for the defence of our citizens. But, relying on the protection of the army, it was not until repeated outrages had been committed, and a number of lives had been sacrificed, that recourse was had to the local militia for defence. In adopting this measure at a time when the Indians in small bands hovered on the skirts of every settlement, and every inhabitant was exposed to massacre, it became necessary to invest the officer in command with discretionary power, in relation to the number of troops to be employed, for the purpose of restoring tranquility, and to insure the safety of those who were exposed to danger. But, he was specially instructed to employ no larger force than in his judgment should be absolutely necessary for defensive operations. The tragical occurrences on that frontier for some time preceeding, and subsequent to the date of this order, demonstrate the propriety of the course

pursued. It matters not how numerous may have been the regular force engaged on that frontier, or what may have been its efficiency, gallantry, and enterprise; the unquestionable presence of the enemy, the invasion of the country, and the murder of our citizens at their own threshold, or while engaged in cultivating their fields, without discrimination of age or sex, is the best proof that sufficient protection was not given by the army, and that it was necessary and proper that the militia should be called out in the defence of their families and their homes. Under these circumstances, it appears to me that there should be no hesitation on the part of the General Government in paying the troops thus employed. I am not disposed to encourage an extravagant expenditure of the public treasure, or to ask compensation for services which were never rendered. But, the troops in question having been called into service, consistently with the laws of the Territory, so far as services have been performed. I recommend that their claims for compensation be presented in an appropriate memorial to Congress, and that if they should not be paid by the United States, that the Territorial Government provide the necessary compensation.

In compliance with a resolution passed at the last session of the Legislative Council, requiring the Executive to furnish provisions for the suffering inhabitants of the frontier, a quantity of corn was purchased and sent to be distributed among the families of Alachua and Columbia, in East Florida, and to those of Walton and Washington, in West Florida. For information with regard to the amount of money expended for this purpose, I refer you to the reports of the Treasurer and Auditor of the Territory. It is gratifying to learn, that with few exceptions, the provision crops of the last year are most abundant throughout Florida, and although the frontier inhabitants have lived in the midst of danger and alarm, and were exposed to the utmost peril during the whole season of cultivation, their labor has been rewarded with abundance. With a degree of fortitude and perseverance, which reflects on them the greatest credit, they have maintained their positions under every trial and every vicissitude, and still present a formidable barrier to the further encroachments of the enemy.

Convinced by three years experience in prosecuting the war against the Seminoles, that they cannot be subdued by the plan of operations heretofore pursued, the Secretary of War has wisely resolved on a change of policy. The plan which he has judiciously recommended for the protection of the frontier settlers, by encouraging the return of those who have been driven from their homes, and organizing the

whole force along our exposed borders into companies and battalions for the defence of the inhabitants, and the energy and activity with which he proposes to prosecute the war to a successful termination, is calculated to give strength to the frontier, and confidence and security to the people of every portion of the Territory. If this plan is carried into execution, it is confidently believed that the whole country which has been desolated by the ravages of the enemy, will, in a short time, be re-occupied—the Indians will be driven, and confined within more narrow limits, and the scenes of rapine and murder with which we have been so frequently harrassed, will no longer be exhibited on our borders. Connected with this plan of defence, an important measure for the expulsion of the enemy has been recommended to Congress. It is proposed to grant a portion of the Public Lands to those persons who will obligate themselves to settle and improve them. For more than three years this desolating war has been maintained within our limits. Our most experienced Generals, and our best appointed armies have been unsuccessful in its prosecution, though all has been done which skill, bravery, and untiring perseverance could accomplish. Many of the Indians have been captured or destroyed—every portion of the enemy's country has been invaded—every village, every hut has been demolished—their fields have been laid waste, their cattle driven off, and the nation broken and dispersed in small fugitive bands, prowl through the wilderness, or hover on the frontier. But even in flight they are unsubdued, and often turn on their pursuers with furious energy, or fall with fatal desperation on the defenceless inhabitants of the frontier.—Experience has proven that it is not by the march and counter-march of armies through the enemy's country that he is to be expelled from the land of his nativity. He has only to avoid battle, to evade pursuit for a few days, and the army, exhausted with fatigue and hunger, retires before him, without the fire of a gun, leaving him again in undisturbed possession of the field. It is not from superior bravery or skill in the use of arms that the Indians have thus long resisted our power, but from their mode of life, the nature of the country they inhabit, the congeniality of the climate to their habits and pursuits, and its often fatal consequences to their pursuers. The spontaneous productions of nature supply them with abundant and nutritious food. The wild arrow root, the wild potatoe, the brier root, the cabbage tree, and the palmetto every where abound. The waters supply them with fish, and the woods with game. Hence want and famine, the attendant consequences of invasion in every other country and to every people, present no terrors

to the wandering Seminole. He finds security, food, and shelter in every hammock and in every swamp. My observation on the result of the measures heretofore pursued for the removal of the Indians, have brought me forcibly to the conclusion, that it cannot be done, without a change of policy. The forest must be subdued before the enemy can be finally conquered. Every inch of ground taken from him must be firmly held by permanent settlers who will cultivate the soil and make the wilderness their home. Under this system the savage would gradually retire before the approach of the civilized man. He would be compelled to abandon every portion of the country, susceptible of improvement, and if he should still retreat before the advancing settlements, and seek shelter in the barren wastes and inhospitable everglades, sufficient force might in a short time be drawn from the settlements, and abundant supplies from the cultivated lands of the interior, to prosecute the war to a final close. In order to carry this plan into execution, and to insure the safety of the settlers, against the attacks of the enemy, to which they would otherwise be fatally exposed, they should in the first place be required to assemble at some convenient rendezvous, where after being armed, and equipped, for service, they should be organized into companies and regiments and elect their officers. They should then be marched in advance of the present settlements, and located in a compact form, on every portion of the unappropriated land, fit for cultivation, in such manner, as to give mutual protection and safety to each other. A portion of them should at all times be required to be under arms, and the residue to be employed in making their improvements, and in cultivating the land. They should be subject to the rules and articles of war and entitled to receive the pay, subsistence, and allowance for clothing generally given to troops in the service of the United States. And at the close of the war, each settler should be entitled in fee simple to one quarter section of arable land, to include his improvements as near as practicable. A further encouragement should be given to emigration, and settlement, by the passage of a prospective Pre-emption Law, conferring the right of purchasing at the Government price, one quarter section of land, on every actual settler, who shall locate himself before a certain period, and continue to inhabit and cultivate until the close of the war. This would invite the emigration of that portion of citizens, who may be unwilling to place themselves under the restraint of Martial Law, and would add to the number and strength of the settlements. Under this encouragement to emigration, it is confidently believed that 10,000 permanent settlers might in a

few months be located in the enemy's country, and in a short time the whole Peninsula would be so completely occupied as to leave no lurking place for the enemy. The adoption of this plan while it would most certainly bring this protracted and harassing war to a successful termination would save millions of public treasure, and thousands of valuable lives. Another important advantage would result from this policy. It would give us population, wealth and political influence, and forever put to rest the question of your right to admission into the federal union.

I deem it my duty again to present to your consideration another subject which I regard with deep interest. Although our Territory has been for three years the theatre of an exterminating war, and our frontier has been so often lit with the torch of the enemy, our militia is almost without organization, and are equally ignorant of the principles of tactics, and the rules of discipline and subordination. No returns of the strength of the brigades or regiments have been made to the Executive for the last two years, and with the exception of one or two volunteer companies, which have been formed by the spirit and activity of a few individuals, it is believed that neither regiment, battalion, or company has been assembled for drill or inspection during the last year. The evil consequences resulting from this state of things have been too often experienced. Even in cases of the greatest emergency, when the Indians have been burning and plundering within fifteen or twenty miles of the capitol, we have frequently experienced a delay in raising men in the interior, often fatal to those exposed to danger, and greatly humiliating to our pride and character as a people. It is for you, gentlemen, to correct these evils, by providing appropriate punishments for every neglect of military duty. This important subject has often been brought to the attention of the Legislative Council, and the manner in which it has generally been disposed of has rather encouraged than restrained the spirit of insubordination and negligence. In assuming a state government, (if such should be the result of the deliberations of the Convention) we shall necessarily relinquish in some degree our claims on the General government for support and protection. The respectability and efficiency of the militia will become important to sustain the dignity, and insure the safety of the state, against foreign or domestic enemies. These objects, so highly interesting to every member of the community, cannot be attained without a proper organization, and a rigid observance of the rules of discipline. I most earnestly invite your attention to this subject, and hope it may claim your deliberate consideration.

Another branch having been added to our Legislative department since the last session of the Council, it becomes necessary for its accommodation to extend the public buildings. The capitol should be completed according to the original plan, or with such alterations as the Legislature may direct. The greater portions of the lands heretofore granted by the United States, for this purpose, remain undisposed of. Five quarter sections are situated in the immediate vicinity of the Capitol, and if sold in lots of five and ten acres, would produce a large fund for the erection of public buildings. Another quarter section continues unlocated, owing to the subsequent appropriations of the township in which it was originally selected, to the grant of General Lafayette. The Territory has yet a right to make this location, and I recommend that the Executive be authorised to appoint an agent for that purpose, with instructions to select a quarter section of the land recently acquired from the Apalachicola Indians, or any other unappropriated land which may be deemed more valuable.

At the last session I called the attention of the Legislative Council to the situation of the office of Commissioner of the Tallahassee fund, and recommended such an increase of the salary as would make it acceptable to an officer capable of performing its duties, and worthy of assuming its responsibilities. This not having been done, the office is yet vacant, and cannot be filled with competent talent, until adequate compensation shall have been provided by the Legislature. It is believed that the Territory has sustained much injury in the careless or prodigal management of this fund, by its former agents, and the business has been conducted in such a loose and irregular manner, as to require much labor in placing it in a condition to be understood, should the legislature determine not to dispose of the public property in the neighborhood of Tallahassee, it will become necessary to adopt more efficient measures to protect it from the waste and trespass to which it is daily exposed, and from which it has already received great injury. It should be placed under the special care of the commissioner, who should be required to prosecute the offender for every trespass.

The enclosure around the Capitol you will perceive is in a state of ruin and dilapidation. The appropriation heretofore made by the Legislative Council for putting it in repair was found entirely inadequate to its accomplishment. Hence no part of it has been expended for that purpose. I recommend an additional appropriation, and that the Commissioner of the Tallahassee fund be authorised to contract for a new enclosure, to be constructed of durable materials.

In my last annual message I called the attention of the Legislative Council to the subject of internal improvements, and recommended the adoption of a system for that purpose. Deeply impressed with its importance, I cannot forbear to invite your attention again to that subject. I enclose you herewith a map, accompanied with the suggestions of a distinguished officer of the United States Army, (Major General Gaines) on the subject of constructing rail roads as an auxiliary measure of national defence. He has proposed to connect the powerful states of the interior with those of the frontier by rail roads. The view which he has taken of this subject is highly interesting, and demonstrates the great advantages which would result from this system in time of war. The expedition and certainty with which the the largest armies, with the necessary munitions of war and provisions, may be transported from the interior to any exposed point on the frontier; the unity and sympathy it would create in the different states by this connection, and the strength and security it would give to every portion of our country renders it worthy of the consideration of every statesman and soldier. Nor are the commercial advantages arising from this system to be disregarded. It would open a direct channel of communication with the different sections of the interior. In the transit of intelligence, and for the purposes of travel, distance and space will be almost annihilated, and places remotely situated will be brought in close proximity with each other, giving strength to our bond of national union, promoting commerce, industry and intelligence throughout our vast dominion.

The Constitutional objections which may be presented to this important system might be reconciled by an united action of the General and State Governments. Although the United States may not have a right to invade the sovereignty of a State by the construction of public works within its limits, contrary to the wishes of its people, yet when the consent of the State has been obtained, it is believed there is no prohibitory provision in the Constitution which can militate against this system. The increasing wealth and resources of the States, and the vast commerce and revenue of the General Government is fully adequate to this important measure, and no doubt is entertained, that it will, in time, be accomplished. To enable us at a future day to unite with the neighboring States in the adoption of this or a similar system, both for commercial and military purposes, I recommend that a memorial be addressed to Congress, asking for a grant of a certain portion of land in aid of our internal improvements. Your fellow-citizen,

R. K. CALL, Governor of Florida.

On motion of Mr. Wood—Ordered, that a select committee be appointed to report rules for the government of this House during the present session. And also to confer with the Senate committee, and report a code of joint rules for the government of both Houses.—Messrs. Wood, Duval, and Gould were appointed thereon. Which is ordered to be certified to the senate. The House then adjourned until to-morrow at 12 o'clock.

SATURDAY, January 12, 1839.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Summerlin gave notice, that he will on some future day ask leave to introduce a bill to allow Simeon B. Driggers to establish a ferry over the Withlacoochee river, in the county of Madison.

Mr. Blackburn from the committee appointed to contract for the printing of the House of Representatives at the present session: Reported, That the committee have received the proposals of each of the Editors of this city, which are with this report submitted. On motion of Mr. Duval, the report and the proposals were laid on the table.

On motion of Mr. Duval, the House then proceeded to the election of printer.—For Knowles & Hutchins 6 votes—for S. S. Sibley 17 votes. Whereupon Mr. Sibley was declared duly elected Printer for this House.

On motion of Mr. Wood.—Ordered, that Jos. B. Lancaster, Chief Clerk of this House, do close a contract with Mr. S. S. Sibley, for printing, subject to approval by the House, in conformity with his proposals.

On motion of Mr. Blackburn.—Ordered, that the report of the printing Committee, and the proposals accompanying the same shall be printed.

The House then adjourned until Monday next at 12 o'clock.

MONDAY, January 14th, 1839.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

On motion of Mr. Tradewell—Ordered that so much of the Governor's message, as relates to the Indian war, be referred to a select committee of three, and that they be instructed to report

thereon: Messrs. Tradewell, Wood, and Duval were appointed on said committee.

Mr. Duval gave notice, that on some future day he will ask leave to introduce a bill amendatory of the 45th and 46th sections of the act entitled "an act relating to crimes and misdemeanors, approved 6th February, 1832."

Mr. McNeil gave notice, that he will on some future day introduce a bill to be entitled "an act to incorporate the Black Creek and Santa Fee Rail Road and Steamboat Company."

Mr. Dozier gave notice, that he will on some future day ask leave to introduce a bill to incorporate the Oscilla Academy in the county of Jefferson.

Mr. Reed gave notice, that he will on some future day ask leave to introduce a bill to be entitled an act to amend an act entitled "an act to establish the County site of Hamilton county, and to repeal an act to make permanent the county site of Hamilton county passed 15th January, 1836."

Mr. Ferguson gave notice, that he will on some future day ask leave to bring in a bill amendatory to the acts now in force relating to appeals in this Territory.

Mr. Sumerlin pursuant to previous notice, asked and obtained leave to introduce a bill, entitled "an act to authorise Simeon Driggers to establish a ferry over the Withlacoochee River in the county of Madison;"—which was twice read the rule being for that purpose; waived, and ordered to be read a third time to-morrow.

Mr. Gould, presented the presentments of the Grand Jury of St. John's county, at the October Term, 1838, which were read and laid on the table.

Also, a resolution which was read and laid on the table until to-morrow.

The House then adjourned until to-morrow at 12 o'clock.

TUESDAY, January 15th, 1839:

The House met pursuant to adjournment, a quorum being present, the Journal of yesterday's proceedings was read.

Mr. Blackburn moved that a select committee be appointed to contract for the printing of the Legislature of Florida.

Mr. Gould moved to amend said motion, so as to authorise the committee to receive proposals, instead of contracting.

Mr. Ferguson offered as amendment to the amendment, that a select committee be appointed to confer with a committee from

the Senate, and receive proposals for printing the acts of this session of the Legislative Council.

The question on agreeing to the amendment, to the amendment, being first put, was lost. The amendment by Mr. Gould being next put, was lost.—When the question of agreeing to the motion of Mr. Blackburn, was also put.—The yeas and nays being required thereon, by Messrs. Blackburn and Dozier, were as follows, yeas, Messrs. Bannerman, Blackburn, Dozier, Ferguson, Gould, Sumerlin, and Tradewell, 7.—Nays, Mr. Speaker Messrs. Brett, Burritt, Cooley, Duval, McCall, McLeod, McRaeny, Mooring, Niblack, Priest, Reed, Tabor, Thigpin, and Wood, 16; so said vote is lost.

Mr. Thigpin gave notice, that he will on some future day introduce a bill entitled "an act to provide for services rendered in the Seminole war and for other purposes."

On motion of Mr. Tabor—Ordered, that the Sergeant-at-Arms be instructed to call on the Secretary of the Territory, and request him to furnish for the use of this House, printed copies of such laws of the Territory as can be spared from his office. And also such copies of the acts of Congress of the last session, as he can spare.

Mr. Tabor gave notice, that he will on some future day, ask leave to introduce a bill to be entitled, "an act to authorize John Bryan, to establish a ferry across the Choctawhatchie river."

Mr. Blackburn gave notice that he will on some future day ask leave to introduce a bill to be entitled "an act to authorize the Governor of the Territory, to raise by volunteer engagement two companies of mounted volunteers for six months."

Mr. Bannerman gave notice, that he will on some future day ask leave to introduce a bill entitled "an act to establish an Academy on the Mickasuky Lake, in the county of Leon, and to incorporate the trustees thereof."

Mr. Gould presented the memorial of Joseph M. Hernandez, praying for certain canal charters, which was read and referred to a select committee. Messrs. Gould, Burritt, and McNeill, were appointed on said committee.

Mr. Duval presented the petition of P. H. Swaim, & Co. and others praying a Rail road charter—which was read and referred to a select committee.—Messrs. Duval, McRaeny, and Tradewell, were appointed on said committee.

Mr. Wood from the select committee to whom was referred the affidavit of Wm. H. Boyd, reported the committee to have had the same under consideration, and are satisfied although no returns have been received from Hillsborough county, that Wm. Cooley was duly elected from said county, and is

entitled to a seat in this House,—which was read and concurred in by the House.

Mr. Wood from the select committee to whom was referred the matter of making rules for the government of this House, and also for uniting with a committee from the Senate to form joint rules for both Houses, reported a code of rules for the House which were adopted, and also, in part, joint rules for both Houses, which were also adopted, leave is given to said committee to make further report.

An engrossed bill entitled, "an act to authorize Simeon Driggers to establish a ferry over the Withlacoochee river in the county of Madison, was read the third time and passed—And ordered to be sent to the Senate for concurrence—ordered that the title be as before stated.

Mr. Gould on yesterday presented a resolution as follows:—Resolved that a select committee be appointed to report on the propriety of providing by law, for the establishment of a commission to receive claims of the citizens of this Territory, sustained by them during the present Indian disturbances with the view, 1st to ascertain the amount of said claims—2d to perpetuate the testimony in such cases—3d, to claim compensation therefor through the Executive from the United States; and that said committee have leave to report by bill or otherwise—which was read and adopted. Messrs. Gould, Tabor, and Thigpin were appointed on said committee.

Ordered, that the bond taken for printing by the clerk of this House be not received, and that he be directed to take bond according to the original proposals of Mr. S. S. Sibley.

The House then adjourned until to-morrow at 12 o'clock.

WEDNESDAY, January 16th, 1839.

The House met pursuant to adjournment: A quorum being present the journal of yesterday's proceedings was read.

Mr. Joseph B. Brown the member elect from Monroe county, appeared, was duly qualified, and admitted to a seat in this House.

The Speaker appointed the following standing committees, and on motion of Mr. Wood, 50 copies are ordered printed.

JUDICIARY. SCHOOLS & COLLEGES.

Messrs. Burritt,
Ferguson,
Blount,
Gould,

Messrs. Ferguson,
McNeill,
Tradewell.

STATE OF THE TERRITORY.

MILITIA:
Messrs. McNeill,
Priest,
Mooring,
Williams,
McLeod.

Messrs. Bannerman,
McCall,
McNeill,
Brett,
Wood,
Blount.

FINANCE.

Messrs. Duval,
Wood,
Brown,
Tadewell,
Thigpin,
Blount,
Manly.

BANKS.

Messrs. Wood,
Duval,
Burritt,
Priest,
Manly.

ELECTIONS.

Messrs. Blackburn,
Niblack,
Brett,
McCall.

AGRICULTURE.

Messrs. Mooring,
Cooley,
McLeod,
Thigpin,
Bannerman,

CLAIMS.

Messrs. Gould,
McRaney,
Tabor,
Blackburn,
Sumerlin,

INTERNAL IMPROVEMENT.

Messrs. McRaney,
McLeod,
Niblack,
Williams,
Reed.

ACCOUNTS.

Messrs. Brown,
Dozier,
Wood,

ENROLLED BILLS

Messrs. Dozier,
Wood,

On motion of Mr. Burritt, ordered that the Governor's message be taken from the table, and that the House do go into committee of the whole thereon. Whereupon the House went into committee of the whole, Mr. Gould in the chair; after some time the committee rose, and the chairman reported the following resolutions to the House, to wit:

Resolved, That so much of the Governor's message as relates to the Banking Institutions of the Territory, be referred to the committee on Banks.

That so much thereof as relates to the present organization of militia, be referred to the committee on Militia.

That so much thereof, as relates to the revenue of the Territory, and the present system of taxation, be referred to the committee on Finance.

That so much thereof, as relates to the Capitol and other public buildings, be referred to the committee on the State of the Territory.

That so much thereof, as relates to Railroads, be referred to the committee on Internal Improvements.

Resolved further, That so much thereof as relates to the compensation of the Territorial troops for services during the last year, and the future defence of the frontier be referred to a select committee.

Which were read; and the report of the committee concurred in by the House.

Mr. Dozier gave notice that he will on some future day introduce a bill to authorise David Platt to establish a ferry over the junction of Withlacoochee and Suwannee rivers.

Mr. Bannerman pursuant to notice heretofore given, asked, and obtained leave to introduce a bill to be entitled, "An act to incorporate the Mickasukie Academy," which was read and on his motion referred to the committee on Schools and Colleges.

A message was received from the Senate announcing the concurrence of that body, to the report of the committee appointed to draft joint rules for the government of both Houses.

Mr. Wood gave notice that he will on to-morrow ask leave to introduce a bill, providing for the pay of members of the Convention.

Mr. Tabor pursuant to previous notice, asked and obtained leave to introduce a bill, entitled, "An act to establish a ferry across the Choctawhatchie river, which was read, and ordered for to-morrow.

Mr. Gould presented a letter from John Rodman, Esq. accompanied by bills of the following titles, to wit.

"An act to revive an act, entitled an act, for the benefit of honest insolvent debtors."

An act to amend certain acts, heretofore passed and approved, concerning executors.

An act to amend the act heretofore passed, regulating judicial proceedings, and

An act to amend the act entitled an act regulating the mode of issuing out writs of error and prosecuting appeals in the Court of Appeals of the Territory of Florida—approved 10th Feb. 1832, which were ordered to be referred to the Judiciary Committee.

Mr. Dozier offered sundry resolutions, which were read, and on his motion laid on the table till to-morrow.

Mr. Tradewell offered a resolution, which was read and laid on the table till to-morrow.

Mr. William Williams, the member elect from Musquito county, appeared was duly qualified and took his seat in this House.

Mr. Duval presented a resolution which was read, and laid on the table until to-morrow.

Mr. Duval from the select committee to whom had been referred the petition of P. H. Swain, & Co. and others, moved that the select committee be discharged from the further consideration of the Petition, and that the same be referred to the committee on Internal Improvements, which was agreed to by the House.

Mr. Wood, from the select committee appointed to draft rules, made the following report.

The committee of the House appointed to confer with a like committee of the Senate, on the subject of joint rules, beg leave further and fully to report, That they have complied with the objects of their appointment so far as they are able to do, and that they disagree with the committee of the Senate in relation to the mode of confirming the nominations of his Excellency the Governor; the committee of the Senate claiming to exercise in behalf of the Senate, exclusive control over the nomination of all officers of the Territory; and the committee of this House insisting on the right of this House to act conjointly with the Senate in the conformation of such appointments.

E. J. WOOD, Chairman,

Which was read, concurred in by the House, and the committee discharged from further consideration of the subject.

The Senate transmitted the following resolution to the House.

SENATE, Jan. 16th, 1839.

Extract from the minutes.

Resolved, That a committee of the Senate be appointed to join any committee, which may be appointed by the House of Representatives, in revising, collating, and condensing the acts of the Legislative Council, heretofore passed.—Messrs. Duval, Wright, Hawkins, Marvin, Berthelot, Walker, and Dupont were appointed said committee.

J. L. ROBINSON,

Secretary of the Senate.

Which was read, and laid on the table until to-morrow.

The House then adjourned until to-morrow 10 o'clock.

THURSDAY January 17th, 1839.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Blount a member from Escambia County, and Mr. Manly the member from Franklin County, appeared, were duly qualified, and admitted to seats in this House.

On motion of Mr. Wood: ordered that Mr. Blount be added to the standing committees, on the Judiciary, on Finance, and on the state of the Territory—also that Mr. Manly be added to the standing committees—on Banks, and on Finance.

Mr. Reed pursuant to notice heretofore given asked and obtained leave to introduce a bill entitled "an act to amend an act entitled an act to establish the County site of Hamilton County, and to repeal an act to make permanent the county site of Hamilton county passed 15th January 1836," which was twice read, the rules for that purpose being waived, and referred to the committee on the state of the Territory.

Messrs. Burritt, Blount, and Mooring, were appointed a select committee, in pursuance of a resolution passed yesterday, referring so much of the Governor's message, as relates to the compensation of Territorial troops for services during the last year, to such committee.

Mr. Thigpin gave notice, that he will on some future day, introduce a bill for organizing a mounted force of volunteers on the frontier of Florida and for other purposes.

Mr. Wood presented the petition of William B. Davis, praying a Rail Road and drawbridge charter, which was read and referred to the committee on Internal Improvement.

Mr. Gould presented sundry resolutions which were read, and laid on the table, for to-morrow.

Mr. Wood offered certain resolutions, which were read, and laid on the table for to-morrow.

The Senate transmitted to the House, a message announcing the appointment on their part of a joint committee, for the purpose of taking bond from the printer, for the execution of the miscellaneous printing, and the journals and laws of the present session, which was read and laid on the table until to-morrow.

A bill entitled "an act to establish a ferry across the Choctawhatchie river," was read the second time, and on motion of Mr. Taylor, referred to the committee on the state of the Territory.

Mr. Tradewell on yesterday offered the following resolution—resolved that a committee of the House be appointed, to join any committee, which may be appointed by the Senate, in revising, collating, and condensing the acts of the Legislative Council heretofore passed, which was again read, and adopted. Messrs. Blount, Burritt, Ferguson, Gould, Tradewell, Manly,

and Blackburn were appointed said committee, which is ordered to be certified to the Senate.

Mr. Duval, on yesterday, presented a resolution as follows:

Resolved by the Governor, and by the Senate and House of Representatives of the Territory of Florida, in Legislative Council assembled—that Robert J. Hackley, auctioneer of the county of Leon, in said Territory, be authorized to refund to the vestry of the Episcopal Church in Tallahassee, and also to the trustees of the Presbyterian Church in said city, all auction fees, charged against said Churches, for the sale of pews in said Churches, respectively, which by the existing laws he may be compelled to pay over into the Territorial Treasury—and upon producing to the auditor of the Territory, the receipts of said vestrymen or Trustees, for the sums, above mentioned, that the auditor be authorized to certify the same to the Treasurer who shall thereupon credit him by the amount.

Which was again read, and passed.

The House then adjourned until to-morrow at 12 o'clock.

FRIDAY, January 18th, 1839.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Jenckes, a member elect from St. Johns county, appeared, was duly qualified, and admitted to a seat in this House.

Mr. McNeill gave notice, that he will on some future day, introduce a bill to be entitled, An act to incorporate the town of Newnansville, in East Florida.

Mr. McCall gave notice, that on some future day, he will ask leave to introduce a bill regulating Patrols.

Also, a bill respecting the public stage road, leading from Tallahassee to Quincy.

Mr. Sumerlin gave notice, that he will on some future day, introduce a bill concerning tax collectors, and assessors in Madison county.

Mr. Dozier pursuant to notice previously given, asked and obtained leave to introduce a bill, entitled, "An act to incorporate the Oscilla Academy, in the county of Jefferson," which was twice read, (the rule for that purpose being waived,) and placed in the orders for Monday next.

Mr. Duval presented the reports of the Auditor, and Treasu-

ly of the Territory, which were laid on the table, and 500 copies of each ordered to be printed.

On motion of Mr. Dozier, Ordered, that Mr. Jenckes be added to the standing committees, on Banks, on the Judiciary, and on Finance.

Mr. Brett, presented a petition of J. Burnside praying compensation, for teaching certain poor orphans, which was read, and on his motion referred to the committee on Claims.

Mr. Burritt offered a joint resolution, fixing the day of final adjournment for Friday the 22d day of February next, which was read and laid on the table until to-morrow.

Mr. Gould, on yesterday presented the following resolution, to wit:—

Resolved, That his Excellency, the Governor, be requested to inform this House, whether any, and what measures, have been taken, definitely, to settle, ascertain, and mark out, the boundary line, between the Territory of Florida, and the State of Georgia, and whether any further legislation is necessary to enable the Executive to obtain a settlement of the dispute respecting said boundary line, which was again read and passed.

Also, another resolution concerning Banks, which was read, and laid on the table.

Mr. Wood on yesterday presented certain joint resolutions concerning the pay of the expenses of the Convention which were again read, and passed, and ordered to be sent to the Senate for concurrence.

The message from the Senate, requiring a joint committee of both Houses, to be appointed to take bond from the printer, for the miscellaneous printing, journals and laws, of the present session was read, and laid on the table.

On motion of Wood, It is ordered to be certified to the Senate, that this House has taken bond from the printer elect for the printing of the Journals and miscellaneous work of the House, and that nothing remains for them to contract for, but the printing of the acts of the Session.

Mr. Tradewell asked that the rule be waived, and that he have leave to introduce a resolution, which was agreed to.—Whereupon he introduced the following,

Resolved, That a message be sent to the Senate from this House requiring the appointment by that body of a committee to join the committee of this House, to take into consideration so much of the Governor's message as relates to the Indian war, which was twice read, [the rule for that purpose being waived] and passed. The House then adjourned until Monday next at 12 o'clock.

MONDAY, January 21st, 1839.

The House met pursuant to adjournment, a quorum being present, the journal of last Friday's proceedings was read.

The Senate transmitted to the House the following message, to wit:

SENATE, }
January 18th, 1839.

Extract from the Minutes.

Resolved, That the Secretary of the Senate be instructed to inform the House of Representatives that the Senate has already appointed a committee to take into consideration so much of the Governor's message as relates to the Indian war, and that he certify to said House the names of said committee, and that said committee be empowered to join the committee appointed from the House of Representatives.

Which was twice read, the rule being waived, and adopted. Messrs. Mills, Duval, and Hawkins, were appointed said committee.

Att.

J. L. ROBINSON, Sec'y. Senate.

SENATE, }
January 18th, 1839.

Extract from the Minutes.

Resolved. That the House of Representatives be informed by message that the Senate have appointed a committee to join the committee of the House to condense, revise and collate the laws of the Territory, which was twice read, the rule being waived, and passed.

Att:

J. L. ROBINSON, Sec'y. Senate.

Committee—Messrs. Duval, Wright, Hawkins, Marvin, Berthelot, Walker, and Dupont.

Att:

J. S. R. Sec. Sen.

Which were read and ordered to be spread on the journal.

Mr. Dozier pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled "An act to authorize David Platt to establish a ferry near the junction of the Suwannee and Withlacoochee rivers in the county of Madison."

Which was read and ordered for a second reading on to-morrow.

On motion of Mr. Gould, Ordered that the Clerk of this House be required to obtain for the use of this House, as many copies of all the laws of this Territory now in force, as can be conveniently obtained.

Mr. Duval presented the petition of Eleanor Grimes, praying a divorce, which was read and referred to a select committee.—

Messrs. Duval, Jenckes, and Priest, were appointed that committee.

Mr. Gould from the committee on claims, to whom had been referred the petition of J. Burnside, made the following report:

COMMITTEE ROOM, January 21st, 1839.

The committee on claims to whom was referred the petition and claim of James Burnside of Jackson county, for compensation for instructing certain poor children, in his said petition named, ask leave to report:—

That they have paid all the attention to the subject that could be expected under the circumstances. The committee commend the laudable and benevolent disposition of Mr. Burnside in bestowing so much care and attention to the education of a class of our youth, who from their indigence, would otherwise, perhaps, grow up in ignorance and in habits inconsistent with all our domestic interests and institutions, but whilst they speak thus favorably of the zealous efforts of the petitioner, the committee are not advised that there is any law of this Territory that would justify them in recommending his claims to be paid.

The committee would observe in the conclusion of their report that the subject of education is one of momentous importance, and they submit it to the consideration of this House, whether it would not be more compatible with its true dignity and the increasing demands of our fellow citizens, that a well organized system be adopted, by which all classes of youth might, as speedily as possible, have extended to them those advantages which alone can qualify them for all the useful employments of life.

The committee recommend the adoption of the following resolutions.

Resolved, That the committee on schools and colleges be instructed to report upon the propriety of authorizing the respective counties to designate annually a number of youth of hopeful talents, with a view to their instruction and qualification as teachers, preparatory to the carrying out such general system of education as may hereafter be adopted.

Resolved, That the committee be discharged.

E. B. GOULD, Chairman.

Which was read, and concurred in—and the resolution adopted.

A resolution heretofore introduced by Mr. Burritt, concerning the final adjournment, was on motion of Mr. Dozier laid on the table until Thursday next.

An engrossed bill entitled "An act to incorporate the Oscilla

Academy in the county of Jefferson," was read the third time and passed—Ordered the title be as before stated.

The House then adjourned until to-morrow, 12 o'clock.

TUESDAY, January 22d, 1839.

The House met pursuant to adjournment, a quorum being present, the Journal of yesterday's proceedings was read.

The Senate transmitted to the House a preamble and resolution concerning a breakwater at St. John's bar, passed by the Senate, which was read, and on motion of Mr. Burritt, the rule was waived, and said memorial and resolution was the second time read and passed, which is ordered to be certified to the Senate.

Also, a preamble and resolution concerning the improvement of the navigation of Yellow river, a stream of the Bay of Pensacola—passed by the Senate,—which was read. Mr. Blount moved to amend the resolution, by striking out the word "Representative" therein, and inserting in its stead, the word "Delegate," which was unanimously agreed to. The rule was on his motion waived, and said preamble and resolution, as amended again read, and passed—which is ordered to be returned to the Senate, and to ask the concurrence of that House to the amendment made in this.

A message was received from the Senate, announcing that that House had indefinitely postponed a resolution sent to that body from this, remitting the tax due the Territory on auction sale of pews, in the Episcopal and Presbyterian churches, in the city of Tallahassee.

Mr. Burritt gave notice, That he will on some future day ask leave to introduce a bill to incorporate the Protestant Episcopal Congregation at Jacksonville.

Also a bill to incorporate the Presbyterian Congregation at Mandarin.

Mr. Duval gave notice that he will on some future day, ask leave to introduce a bill to raise a further revenue for the Territory of Florida.

Mr. Browne gave notice that he will on some future day, introduce a bill further to amend, "An act to incorporate the Lafayette salt company at Key West."

Mr. Manly gave notice, that on Thursday next he will ask leave to introduce a bill entitled, "An act to authorise George F.

Baltzell to establish a ferry across the Apalachicola river, at or near its junction with the bay of Apalachicola.

Mr. Blackburn pursuant to notice heretofore given, asked, and obtained leave to introduce a bill, entitled, "An act to authorise the Governor of the Territory of Florida to raise a force of mounted volunteers for the protection of the Florida frontier—which was twice read, the rule being waived, and referred to the committee on the Militia.

Mr. Sumerlin pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled, "An act to consolidate the offices of assessor and collector of taxes, for the county of Madison and other counties therein named—which was twice read, the rule being waived, and referred to the committee on Finance.

Mr. Blackburn presented a petition from Wm. B. Davis, praying to have leave to withdraw, and to have returned to him, his petition laid before the House on a former day, asking a Rail Road, and drawbridge. Whereupon, the House resolved that the petition be referred to the committee on Internal Improvement, with instructions to that committee, to return to said Davis, all his papers, and that said committee are discharged from the consideration thereof.

On motion of Mr. Dozier, ordered that certain resolutions offered by him on a former day, concerning the confirmation of nominations to office made by the Governor, be now taken from the table, and placed among the orders for to-day.

Mr. Blount presented the petition of George Walker praying the allowance of certain claims.—On his motion, the reading thereof is dispensed with, and said petition referred to the committee on the Judiciary.

Mr. Blackburn offered a memorial and resolutions concerning sales of public lands in East Florida, which was read, and on his motion laid on the table, and 50 copies are ordered to be printed.

Mr. Bannerman from the committee on the State of the Territory, to whom the same had been referred, reported the following bills without amendment, to wit:

"An act to establish a ferry across the Choctawhatchie river"—and, "An act to amend an act, entitled an act to establish the county site of Hamilton county, and to repeal an act, to make permanent the county site of Hamilton County, passed 15th January 1836." Which report was concurred in by the House and said bills are ordered to be engrossed for a third reading on to-morrow.

A bill entitled, "An act to authorise David Platt to establish

a ferry near the junction of the Suwannee and Withlacoochee rivers" in the county of Madison, was read the second time, and ordered for a third reading on to-morrow.

The resolutions offered on a former day by Mr. Dozier, concerning nominations to office, by the Governor, were taken up. Thereupon he offered, as a substitute therefor, the following.

Resolved, By the House of Representatives of the Territory of Florida, That it is the sense of this House, under the act of Congress of 1838, reorganizing the Legislative Council of said Territory, it is necessary that all nominations of His Excellency the Governor, should receive the concurrence of this House, as well as of the Senate.

Resolved, That without such concurrence, the commissions of no officer, civil or military, can be valid.

Resolved, That a copy of these resolutions be transmitted to the Hon. the Senate.

Which was read and unanimously agreed to. Said resolutions were thereupon read and passed.

The House then adjourned until to-morrow, 12 o'clock.

WEDNESDAY, January 23d, 1839.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Burritt gave notice, that he will on some future day, ask leave to introduce a bill for the relief of Wm. G. Davis.

Mr. Jenckes gave notice, that he will on some future day ask leave to introduce a bill to alter and amend the election laws of this Territory.

Mr. McLeod gave notice that he will on some future day, ask leave to introduce a bill to be entitled "An act for the relief and benefit of the heirs of Archibald Crawford.

Also Mr. McLeod moved that Mr. Niblack be added to the committee on the Militia; which was ordered by the House.

Mr. Burritt pursuant to notice heretofore given, asked and obtained leave to introduce the following bills to wit:

"An act to incorporate the Presbyterian congregation at Mandarin," and,

"An act to incorporate the Protestant Episcopal congregation at Jacksonville."—Which were severally twice read, (the rule being waived) and ordered to be read a third time on to-morrow.

Mr. Duval, pursuant to previous notice, asked and obtained

leave to introduce a bill to be entitled, "An act to amend an act relating to crimes and misdemeanors, approved February 10, 1832,"—which was twice read, (the rule therefor being waived) and ordered to be referred to the Judiciary committee.

Mr. Browne pursuant to notice heretofore given, asked and obtained leave to introduce a bill to be entitled, "An act further to amend an act to incorporate the Lafayette Salt Company at Key West, approved 12th Nov. 1829, which was read and ordered for a second reading on to-morrow.

On motion of Mr. Blackburn, Ordered, that Mr. Manly be added to the committee on Elections.

On motion of Mr. McRaeny, Ordered, that Mr. Tradewell be added to the committee on Internal Improvement.

Mr. Blount presented the petition of George Frederic Hamilton, praying the passage of a law, authorising a lottery for certain purposes therein mentioned. The reading whereof was on his motion dispensed with, and said petition is ordered to be referred to the committee on the state of the Territory.

Mr. Williams presented certain resolutions concerning the Seat of Government of this Territory, which were read; and ordered for a second reading on to-morrow.

Mr. Cooley presented certain resolutions concerning Banks, which were read and placed among the orders for to-morrow.

A majority of the select committee to whom was referred the petition of Eleanor Grimes, praying to be divorced from her husband John Grimes, reported that having had the same under consideration, they are of opinion the prayer of the petition ought not to be granted.

Mr. Duval of said committee, moved that the House do refuse to concur in said report, and that he be allowed to make a minority report, which motion prevailed.

Whereupon Mr. Duval made the following report.

That after due examination of said petition, and all other accompanying papers, together with many other circumstances, coming to the knowledge of him who is in the minority of your committee, he is satisfied with the claims of the petitioner to Legislative clemency, wherefore he recommends the adoption of the following bill, entitled, "An act for the relief of Eleanor Grimes," Which was read, and ordered to be read again to-morrow.

The following engrossed bills were read the third time and passed, to wit:—"An act to establish a ferry across the Choctawhatchie river." "An act to amend an act, entitled an act to establish the county site of Hamilton county and to repeal an act to make permanent the county site of Hamilton, passed Jan. 15th 1836," and, "An act to authorise David Platt to establish

a ferry near the junction of the Suwannee and Withlacoochee rivers in the county of Madison." Ordered that the titles be as before stated.

The House then adjourned until to-morrow at 12 o'clock.

THURSDAY January 24th, 1839.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Williams gave notice, that he will on some future day, ask leave to introduce a bill to fix the place of meeting, for the next Legislative Council of Florida.

On motion of Mr. Brett, Ordered that Mr. Tabor be added to the Committees on Militia and on Internal Improvements.

Mr. Manly, pursuant to previous notice, asked and obtained leave to introduce a bill entitled "An act to establish a ferry across the Apalachicola river, at or near its junction with the bay of Apalachicola," which was read, and ordered for a second reading on to-morrow.

Mr. Blount presented the petition of Thomas Eastin, praying the passage of a law, authorizing the payment of certain claims therein mentioned, the reading whereof was on his motion dispensed with, and it is ordered that said petition be referred to the Judiciary committee.

Mr. Brett offered the following resolutions:

Resolved, In pursuance of the 2nd joint rule of the Senate and House of Representatives, that the Sergeant-at-Arms for the House, do carry all messages required to be sent from the House to the Senate.

Resolved, That a copy of the foregoing resolution, certified by the Clerk of this House, be sent to the Senate, which, the rule being therefor waived, was twice read and passed.

A message was received from the Senate, announcing Messrs. Berthelot, Hawkins and Mills of that House, a joint committee on enrolled bills.

The Senate sent to this House, for its action a joint resolution, asking information from the Governor, touching the necessity of calling out the Militia last year, and other matters therein enquired about—which was read and laid on the table.

Mr. Burritt, on a former day, offered the following resolution:

Resolved, by the Senate and House of Representatives of the Territory of Florida, that the Legislative Council, will, on Friday, the 22nd day of February next, adjourn *sine die*, which

was; again read—and on motion of Mr. Wood, indefinitely postponed.

His Excellency the Governor, transmitted to this House the following communication—

To the Speaker of the House of Representatives, of the Legislative Council.

TALLAHASSEE, 23d January, 1839.

SIR.—In compliance with a resolution of the House of Representatives, passed on the 18th inst. requesting information with regard to the measures which have been taken, definitely to ascertain and mark out the boundary line between the Territory of Florida, and the State of Georgia, and whether any further legislation is necessary to enable the Executive to obtain a settlement of the dispute respecting said boundary line. I have the honour to inform the House of Representatives, that no definite action has been had on the subject, and the question is yet unsettled. Although the State of Georgia some years since, asserted a right to a more southern boundary, she has not assumed nor has she embarrassed the jurisdiction of the Territorial authorities, in any part of the country below the line established by the American commissioners under the treaty of 1796, between Spain and the United States. No doubt is entertained of this being the true boundary, and it is believed, it will be finally recognized as such by the State of Georgia. With regard to the propriety of further legislation for the purpose of settling this question, it does not appear to me a rightful subject of legislation on the part of this Territory. It is a question of right between the United States and the State of Georgia.

And although, the people of this Territory are immediately interested in its settlement, they can only petition, and the Legislative Council can do no more than present a memorial to Congress, on the subject, should such a measure be deemed expedient.

Very respectfully,

R. K. CALL, Governor of Florida.

Which was read and laid on the table.

An engrossed bill entitled, "An Act to incorporate the Presbyterian Congregation at Mandarin," was read the third time, and passed—ordered that, the title be as stated.

A bill entitled "An Act to incorporate the Protestant Episcopal Congregation at Jacksonville—was taken up from the orders of the day. The House went into committee of the whole thereon—after some time the committee rose, and Mr. Dozier, chairman therefrom, reported said bill amended—which report was concurred in by the House. The bill was again

read the second time—and on motion of Mr. Blount, referred to the Judiciary Committee.

A bill entitled "an act further to amend an act to incorporate the Lafayette salt company at Key West, approved 12th Nov., 1829," was again read, and ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Williams, certain resolutions presented by him on yesterday, were laid on the table.

Mr. Cooley, on yesterday, offered the following resolution:

Resolved, That the standing committee on banks be instructed to inquire into and report forthwith whether any, and what action, has been had by any previous legislation, or by the Territorial authorities, in reference to such bank charters, as may have been misused, or the provisions of which have not been complied with; and that they further inform the House what legislation is necessary to annul such charters, and that said committee have leave to report by bill or otherwise, which was again read and adopted.

A bill entitled "an act for the relief of Eleanor Grimes," was read the second time. The House, on motion of Mr. Duval, went into committee of the whole on said bill. After some time the committee rose, and Mr. Blount chairman, reported the bill to the House amended; which report was concurred in by the House, and the bill again read the second time, and ordered to be engrossed for a third reading to-morrow.

The House then adjourned until 12 o'clock to-morrow.

FRIDAY, January 25th, 1839.

The House met pursuant to adjournment: a quorum being present the journal of yesterday's proceedings was read.

Mr. McNeill gave notice that he will, on some future day, ask leave to introduce a bill to be entitled "an act for the relief of John K. Stanley."

His Excellency, the Governor, transmitted to the House, by Mr. Copeland, his private Secretary, the following communication:

EXECUTIVE OFFICE, }

TALLAHASSEE, Jan. 25th, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN: I transmit for your information the reports of the Union Bank of Florida, the Bank of Pensacola, the South-

ern Life Insurance and Trust Company, of St. Augustine, and the Branch at Apalachicola, exhibiting the condition of those institutions, respectively, at the close of the past year.

Very respectfully,
R. K. CALL,
Governor of Florida.

Which was read, and on motion of Mr. Blount, laid on the table; and 500 copies thereof printed, together with the Bank reports, therewith transmitted.

Mr. McNeill, pursuant to notice heretofore given, asked, and obtained leave to introduce a bill entitled "an act to incorporate the Town of Newnansville," which was twice read by the title, the rule being waived, and is ordered to be referred to the committee on the state of the Territory.

Mr. Gould gave notice, that, on some future day, he will ask leave to introduce a bill for the relief of Hezekiah H. Wyncoop.

Mr. Tradewell gave notice that he will, on some future day, ask leave to introduce a bill authorizing the "Brunswick and Florida Rail Road Company to extend their road into the Territory of Florida."

Mr. Dozier gave notice that he will on some future day ask leave to introduce a bill for the relief of Thomas Ross, and others.

Mr. Blount gave notice that he will, on some future day, ask leave to introduce a bill to be entitled "an act to amend an act entitled an act to incorporate the Protestant Episcopal Church in the diocese of Florida."

A memorial to Congress, offered some days ago by Mr. Blackburn, was on his motion taken from the table, and placed among the orders for to-day.

The Senate returned to this House a bill entitled "an act to authorize Simeon Driggers to establish a ferry over the Withlacoochee river in the county of Madison," passed by that House with an amendment in the enacting clause so as to make said bill read—"Be it enacted by the Governor and Legislative Council of the Territory of Florida." And also a 4th section in these words: "Be it further enacted, That this act shall be subject to be altered, modified, or repealed by the Legislature at any time;" which amendments were read, and agreed to by the House, and said bill as amended, was again read the second and third times, the rule being waived, and passed.

Also a bill entitled "an act to incorporate the Ocilla Academy in the county of Jefferson," was returned from the Senate, so amended as to make the enacting clause read—"Be it enacted by the Governor and Legislative Council of the Territory of Florida;" which was read and agreed to, and said bill was

again read the second and third times, the rule being waived, and passed.

On motion of Mr. Gould ordered that the message transmitted from the Governor to this House, on yesterday, and laid on the table, be taken from the table and referred to the committee on the state of the Territory.

Mr. Manly presented the petition of John Endeman, tax collector of Franklin county; the reading of which was on his motion dispensed with, and said petition referred to the committee on Finance.

Mr. McCall, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled "an act in addition to an act concerning patrols, passed Feb. 6th, 1834, and approved Feb. 11th, 1834;" which was twice read, the rule being waived, and referred to the committee on Militia.

Mr. Dozier offered a resolution concerning enrolments, which was read and ordered for Monday.

Mr. Burritt, from the committee on the Judiciary, to whom the same had been referred, reported a bill entitled "an act to amend an act relating to crimes and misdemeanors, approved Feb. 10th, 1832," with amendments; which report was concurred in, and said bill laid on the table, and 50 copies ordered to be printed.

Mr. Tradewell, from the select committee to whom was referred so much of the Governor's message as relates to the Indian war, reported in part a memorial to Congress; which was read, and on motion of Mr. Blount, made the special order for Monday next, and 50 copies are ordered to be printed.

A bill entitled "an act to establish a ferry over the Apalachicola river, at or near its junction with the bay of Apalachicola;" was read the second time, and referred to the committee on the state of the Territory.

A bill entitled "an act for the relief of Eleanor Grimes," was on motion of Mr. Blackburn, laid on the table.

An engrossed bill entitled "an act to incorporate the Lafayette salt company at Key West, approved 12th Nov., 1829, was read the third time and passed; ordered that the title be as stated.

On motion of Mr. Blackburn, ordered that certain resolutions, heretofore offered by him, respecting the land sales in East Florida, be taken from the table and made a special order of the day for Monday next.

A resolution sent to this House from the Senate, asking certain information from the Governor, was read again and passed.

On a motion to adjourn until Monday next at 12 o'clock, the yeas and nays being required—were yeas Messrs. Banner-

man, Blackburn, Browne, Dozier, Duval, Manly, McCall, McLeod, McNeill, McRaeny, Niblack, Thigpin, Tradewell, Williams and Wood, 15,—nays, Messrs. Blount, Brett, Burritt, Cooley, Gould, Mooring, Priest, Reed and Taylor, 9,—so said motion prevailed.

The House then adjourned until Monday next at 12 o'clock.

MONDAY, January, 28th, 1839.

The House met pursuant to adjournment; a quorum being present, the journal of last Friday's proceedings was read.

Mr. Fitzpatrick, the member elect from Dade, appeared, was duly qualified and took his seat.

On motion of Mr. Duval, Mr. Fitzpatrick was added to the committees on Finance, on Banks, and on the State of the Territory.

Mr. Brett gave notice that he will on some future day, ask leave to introduce a bill, to be entitled "An act amendatory to the several acts now in force concerning attachments.

Mr. Wood presented a memorial of sundry inhabitants of Calhoun county praying an appropriation of certain duties claimed by the Auditor as due from that county for the purpose of constructing a Court House and Jail therein which was read, and on his motion referred to a select committee.—Messrs. Wood, Fitzpatrick and Cooley were appointed that committee.

Mr. Tabor offered a preamble and resolution, which were read and laid on the table until to-morrow.

Mr. Burritt offered a preamble and resolution, which were read, laid on the table, and 100 printed copies ordered.

Mr. Dozier from the committee on enrolled bills—reported, as correctly enrolled, "An act to incorporate the Ocala Academy," and,

"An act to authorise Simeon Driggers to establish a ferry over the Withlacoochee river in the county of Madison," which were signed by the Speaker of the House of Representatives.

The Senate transmitted to the House a joint rule in the words following, "when nominations made by the Governor are confirmed by either House, it shall be the duty of the House so confirming such nominations, to transmit the nominations to the other house for their action thereon," passed by the Senate, which was read and laid on the table.

Certain joint resolutions, passed by both Houses of the Legislative Council, which originated in the Senate, were sent

by that House to this—reported, correctly enrolled for the signature of the Speaker, and signed by him.

The House resolved itself into a committee of the whole, on a memorial to Congress, introduced some days since by Mr. Tradewell, on the subject of the Florida war—after sometime spent therein, the committee rose, and Mr. Blackburn, chairman, reported the same to the House amended, which report the House concurred in, and said memorial was passed.

The House in committee of the whole, took under consideration, certain resolutions heretofore offered by Mr. Blackburn, concerning the sales of public lands in East Florida,—after sometime the committee rose, and Mr. Fitzpatrick chairman, reported said resolution to the House with sundry amendments—which report was concurred in and said resolutions ordered to be engrossed for a third reading on to-morrow.

His Excellency, the Governor, transmitted to this House by Mr. Copeland his private Secretary, the following communication, to wit:

EXECUTIVE OFFICE, }
TALLAHASSEE, Jan. 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN—I lay before you copies of resolutions passed by the Commercial Convention at its late session held in Augusta, Geo. accompanied by a letter from its President, a distinguished citizen of this Territory. I cannot place this subject in a more interesting attitude, than it is represented in this letter to which I invite your attention.

R. K. CALL,
Governor of Florida.

Which was read, laid on the table with the letter referred to and 500 printed copies ordered.

Mr. Dozier on a former day offered a resolution as follows, viz;

Resolved, That the committee on enrolled bills, be allowed to report at any time during the session of this House, which was again read and passed.

The House then adjourned until to morrow at 12 o'clock.

TUESDAY, January 29, 1839.

The House met pursuant to adjournment; a quorum being present, the Journal of yesterday's proceedings was read.

Mr. Gould gave notice, that on some future day, he will ask

leave to introduce a bill, entitled, "An act to amend an act in addition to the several acts relating to county courts."

Also, in pursuance of previous notice, asked and obtained leave to introduce a bill entitled, "An act for the relief of Hezekiah H. Wyncoop," which was read by the title, the rule being waived, and referred to a select committee.—Messrs. Gould, Burritt, and Duval, were appointed that committee.

Mr. Brett pursuant to notice heretofore given, asked and obtained leave to introduce a bill to be entitled, "An act amendatory to the several acts now in force concerning attachments the reading whereof was dispensed with, and said bill is ordered to be referred to the Judiciary committee.

Mr. Thigpin pursuant to notice heretofore given, asked and obtained leave to introduce a bill, entitled, "An act to provide for the payment of volunteers in the Territory of Florida, in certain cases," which was twice read by the title, and referred to the militia committee.

Mr. Williams pursuant to notice heretofore given, asked, and obtained leave to introduce a bill entitled, "An act directing the place at which the next session of the Legislative Council shall take place, which was twice read by the title, and referred to a select committee.

Messrs. Williams, Dozier, Brett, Burritt and Fitzpatrick, were appointed that committee.

Mr. McNeill pursuant to notice heretofore given, asked, and obtained leave to introduce a bill entitled "An act for the relief of John R. Stanley," which was twice read by the title and referred to a select committee.—Messrs. McNeill, Priest and Read were appointed that committee.

Mr. Dozier presented the petition of sundry inhabitants of Madison county, praying a change of location of the county site—which was read and referred to a select committee. Messrs. Dozier, Reed, and Sumerlin, were appointed that committee.

Also, the petition of B. G. Thornton, which was read and referred to a select committee. Messrs. Dozier, Tradewell, Blackburn, Jenckes, and Manly were appointed that committee.

Mr. Williams presented a preamble and resolution, which was read, laid on the table, and 100 copies ordered to be printed.

Mr. McNeill from the committee on Militia to whom was referred a bill, entitled "An act to authorise the Governor of the Territory of Florida, to raise a force of mounted volunteers, for the protection of the Florida frontier, reported the same with amendment, and it was ordered that the said bill be made the special order for Friday next, and 50 copies be printed.

Mr. Ferguson from the committee on schools and colleges to whom had been referred a bill entitled "An act to establish and incorporate the Mickasukie Academy," reported said bill with the enacting clause amended, which report was concurred in,—said bill again read by the title, and ordered to be engrossed for a third reading to morrow.

Mr. Bannerman from the committee on the State of the Territory, to whom had been referred a bill, entitled "An act to incorporate the town of Newnansville," reported the same without amendment,—which report was concurred in by the House, and said bill ordered to be engrossed for a third reading on Friday next.

Also from the same committee to whom had been referred the petition of George Frederick Hamilton, reported a bill entitled "An act to authorise George Frederick Hamilton, and Louis Schmidt to dispose of real estate by lottery," which was read by the title, laid on the table and 50 copies ordered to be printed.

A resolution heretofore offered by Mr. Tabor, asking an appropriation by Congress, was again read, adopted, and ordered to be sent to the Senate for concurrence.

A preamble and resolutions heretofore introduced by Mr. Blackburn concerning the sale of the public lands in East Florida, was again read and passed.

The House went into committee of the whole on a bill entitled an act to amend an act entitled an act relating to crimes, and misdemeanors, approved February, 10, 1832; after some time the committee rose, and Mr. Gould, chairman, reported progress and asked leave to sit again which, report was concurred in.

The joint rule adopted by the Senate, and transmitted to the House, on yesterday, was on motion of Mr. Gould taken from the table, again read, and concurred in.

The House then adjourned until to-morrow at 12 o'clock.

WEDNESDAY, January 30th, 1839.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

On motion of Mr. Burritt, ordered that the Governor's message, enclosing the reports of sundry Banks of this Territory, be now taken from the table and referred to the committee on Banks.

Mr. McLeod pursuant to notice heretofore given, asked and obtained leave to introduce a bill, entitled "An act for the relief and benefit of the heirs of Archibald Crawford," which was twice read, the rule being waived, and referred to the Judiciary committee.

Mr. McRaeny gave notice that he will on some future day ask leave to introduce a bill to be entitled "An act to amend an act entitled an act to incorporate the City of Tallahassee.

Mr. Burritt pursuant to previous notice, asked and obtained leave to introduce a bill entitled an act for the relief of Wm. G. Davis," which was on motion, twice read by the title, the rule being waived, and referred to a select committee—Messrs. Burritt, Blount and Ferguson, were appointed that committee.

Mr. Sumnerlin gave notice, that he will on some future day introduce a bill to be entitled, "An act to incorporate the Madison Academy, in the county of Madison."

On motion of Mr. Bannerman, a bill entitled "An act to authorise George Frederick Hamilton, and Louis Schmidt, to dispose of real estate by lottery," was taken from the table and placed among the orders for to day.

Mr. Gould from the select committee to whom was referred a bill entitled "An act for the relief of Hezekiah H. Wyncoop," reported the same to the House without amendment, which report was concurred in, and said bill is ordered to be engrossed for a third reading on to-morrow.

Mr. Wood from the select committee to whom was referred the petition of sundry inhabitants of Calhoun county, reported a bill to be entitled "An act for the relief of Calhoun county," which report was concurred in, and was read, and placed among the orders for a second reading on to-morrow.

Mr. Williams from the select committee to whom was referred a bill to be entitled "An act directing the place at which the next session of the Legislative council shall take place," reported the same to the House without amendment; which report was concurred in, and said bill is placed among the orders for Friday next, and 50 copies ordered to be printed.

Mr. Fitzpatrick asked and obtained leave to offer certain resolutions which were read and laid on the table until to-morrow.

The House again resolved itself into a committee of the whole on a bill entitled "An act to amend an act, entitled an act relating to crimes and misdemeanors, approved Feb. 10, 1832, after some time the committee rose, and Mr. Gould, chairman thereof, reported said bill to the House with amendments, which

report was concurred in, and said bill again read the second time, and ordered to be engrossed for to-morrow.

An engrossed bill entitled "An act to establish an Academy on the Mickasukie lake in the county of Leon, and to incorporate the trustees thereof," was read the third time and passed; ordered that the title be as stated.

On motion of Mr. Blount, the bill entitled, "An act to authorise Geo. Frederick Hamilton and Louis Schmidt to dispose of real estate by lottery," was again laid on the table.

The House then adjourned until to-morrow, 12 o'clock.

THURSDAY January 31st, 1839.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Ferguson pursuant to previous notice, asked and obtained leave to introduce a bill entitled, "An act amendatory to the several acts, regulating appeals in this Territory," which was twice read by the title, the rule being waived and referred to the Judiciary committee.

Mr. Sumnerlin pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled, "An act to incorporate the trustees of the Calhoun Academy in the county of Madison," was twice read by the title, and referred to the committee on Schools and Colleges.

On motion of Mr. Bannerman, Ordered that a bill entitled "An act to authorise George Frederick Hamilton, and Louis Schmidt, to dispose of real estate by lottery," was taken from the table, and placed among the orders for to-day.

Mr. Duval from the Finance committee, to whom was referred a bill entitled, "An act to consolidate the offices of assessor and collector of Taxes for the county of Madison, and other counties therein named, reported said bill as inexpedient, which report was concurred in and the bill is lost.

Mr. Bannerman from the committee on the State of the Territory, to whom was referred a communication of His Excellency the Governor, reported a resolution, which report was concurred in and said resolution was read and laid on the table until to-morrow.

Mr. McNeill from a select committee to whom had been referred a bill entitled, "An act for the relief of John R. Stanley," reported said bill without amendment, which report was con-

curred in, and said bill is ordered to be engrossed for a third reading on Monday next.

Mr. Dozier from the select committee to whom was referred the petition of sundry inhabitants of Madison county, made the following report to wit.

The select committee to whom was referred the petition of sundry inhabitants of Madison county, praying a removal of the Court House of said county, have strictly examined into the same. They find that the Court House of said county has been a bone of contention ever since the organization of the county of Madison, it has been removed one year, and made permanent the next. By an act of last council the people of Madison in their sovereign capacity, (through the ballot box) have located it where it now is, and according to every principle of right and justice this Legislature has no power in the opinion of this committee, to interfere with the rights and privileges of the people of Madison county.

Actuated by these sentiments, your committee most respectfully beg leave to be discharged from the further consideration of the subject. ALBERT J. DOZIER, Chairman.

Which was read and concurred in.

The House went into secret session on the nominations of the Governor, transmitted to the Senate for the concurrence of this House and which are contained in the following communications.

EXECUTIVE OFFICE, }
TALLAHASSEE, JAN. 23, 1839. }

To the Senate of the Legislative Council of Florida.

GENTLEMEN: I hereby nominate the following officers:

For the county of Franklin—Lorenzo C. Morton and John N. Hendriques, Auctioneers. William B. Taylor and Francis Holden, Notaries Public.

For the county of Walton—Angus Campbell, Judge of the county court. Edmund Boggett, James Vaughn, Daniel Wilkinson, James Evans, Angus Gillis, and Neil McPherson, Justices of the Peace.

For the county of Jackson—Peter Simmons, Thomas Netherton, John Alexander, Justices of the Peace, and James H. Parker, Auctioneer.

For the county of Escambia—Joseph Siera, Joseph E. Caro, Frederick A. Bull, William E. W. Kelley, Justices of the Peace, and William Wilson, Auctioneer.

For the county of Jefferson—John M. Palmer, Auctioneer, and Edmund Gray, Justice of the Peace.

R. K. CALL, Governor of Florida.

Which were consented to and advised, when the door was again opened.

The Senate sent to this House a bill entitled "An act to organise the county of Clinton," which was twice read by the title, the rule being therefor waived, and referred to the committee on the State of the Territory.

The Senate returned to this House the following bills amended so as to make the enacting clause read, "Be it enacted by the Governor and Legislative Council of the Territory of Florida," to wit:

"An act to establish a ferry across the Choctawhatchie river," and "An act to incorporate the Presbyterian congregation at Mandarin," which amendments were concurred in by the House and said bills again passed.

The Senate returned to this House a bill entitled "An act to authorise David Platt to establish a ferry near the junction of the Suwannee and Withlacoochee rivers in the county of Madison, so amended as to make the enacting clause read in these words, "Be it enacted by the Governor and Legislative council of the Territory of Florida," and added a 4th section in these words, "Be it further enacted, That this act and the privileges herein granted, shall be subject to be modified, altered, amended or repealed by the legislature of the Territory or State, at any time when the Legislature shall deem it advisable to do so, which amendment was concurred in by the House and said bill again passed."

A bill entitled "An act for the relief of Calhoun county," was again read and ordered to be engrossed for to-morrow.

Mr. Fitzpatrick on yesterday offered the following resolutions Resolved that the daily proceedings of this House be furnished to the Executive Office in the same manner, that they are furnished to the members of this House, which was again read and adopted.

Also the following, Resolved, That all matters which may in future be brought before this House for its consideration be referred to the appropriate standing committees of the House, which was again read, the yeas and nays being required on its adoption, were yeas, Messrs. Bannerman, Blount, Brown, Duval, Fitzpatrick, McCall, McLeod, McNeill and Wood 9. Nays, Mr. Speaker, Messrs. Brett, Burritt, Cooley, Dozier, Ferguson, Gould, Jenckes, Manly, McRaeny, Niblack, Priest, Reed, Sumnerlin, Tabor, Thigpin and Williams, 17. So said resolution is lost.

The House went into committee of the whole on a bill entitled "An act for the relief of Hezekiah H. Wyncoop;" after

some time the committee rose, and Mr. Ferguson chairman, reported said bill with amendments—the yeas and nays being required on concurring with the report of the committee, were, yeas, Messrs Brett, Brown, Burritt, Cooley, Dozier, Duval, Gould, Jenckes, Manly, McCall, McNeill, Niblack, Priest, Reed, Sumerlin, Tabor, Thigpin, and Williams 18—Nays, Mr Speaker, Messrs. Bannerman, Blount, Ferguson, Fitzpatrick, McLeod, McRaeny, and Wood 7—so said report was concurred in by the House, and said bill ordered to be again read a second time on to-morrow.

His Excellency the Governor transmitted to the House, by Mr. Copeland his private Secretary, the following communication.

EXECUTIVE OFFICE, }
January 29, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

Gentlemen:—I have approved and deposited in the office of the Secretary of the Territory, the following acts and resolutions:

“An act to authorise Simeon Driggers to establish a ferry over the Withlacoochee river in the county of Madison,” “An act to incorporate the Oscilla Academy in the county of Jefferson.”

A resolution requiring the Delegate in Congress from this Territory to use his exertions to procure an appropriation for the improvement of the navigation of Yellow Water River. A resolution requiring the Delegate in Congress to endeavor to procure an appropriation and an engineer to survey the bar of St. Johns River, and report on the practicability of making a break water at that place. R. K. CALL, Governor of Florida.

Which was read.

An engrossed bill entitled “An act to amend an act, entitled an act relating to crimes and misdemeanors, approved February 10th, 1832, was read the third time; the yeas and nays being required on its passage, were yeas, Messrs. Bannerman, Blount, Brett, Brown, Burritt, Cooley, Duval, Fitzpatrick, Gould, Jenckes, Manly, McCall, McLeod, McNeill, McRaeny, Niblack, Priest, Reed, and Tabor, 19—Nays Mr. Speaker, Messrs. Dozier, Ferguson, Sumerlin, Thigpin, Williams, and Wood, 7. So said bill is passed; ordered that the title be as stated.

The House went into committee of the whole on a bill entitled “An act to authorise George Frederic Hamilton and Louis Schmidt, to dispose of real estate, and other property by Lottery;” after some time the committee rose, and Mr. Gould, chairman, reported said bill to the House with amendments, which

report was concurred in, and said bill was again read the second time, and ordered to be engrossed for to-morrow.

The House then adjourned until to-morrow at 12 o'clock.

FRIDAY, February 1, 1839.

The House met pursuant to adjournment: a quorum being present the journal of yesterday's proceedings was read.

A message from the Senate enclosing a nomination of the Governor, was laid on the table.

The Senate returned this House a resolution concerning the postponement of the land sales in East Florida with a substitute therefor, to which substitute the concurrence of this House is asked,—which was read and laid on the table.

The memorial addressed to Congress concerning the occupation of East Florida by armed militia, which was sent from this House to the Senate for concurrence, was returned, passed without amendment, and is ordered to be enrolled.

Also a preamble and resolution, asking an appropriation by Congress to clear out and improve the navigation of the Choctawhatchie river, sent from this House to the Senate, was returned by that House to this, without amendment, and with their concurrence, and is ordered to be enrolled.

Mr. Duval gave notice that he will on some future day, ask leave to introduce a bill to be entitled, an act in addition to the several acts now in force relating to free persons of color.

On motion of Mr. Gould ordered that the message of the Governor, communicated on the 28th of January, be taken from the table and referred to the committee on the State of the Territory, with instructions to report upon the expediency; and if expedient, upon the best mode of representing the interests of the people of this Territory in the commercial convention, to be held at Charleston S. C. on the 3d Monday in April 1839.

Mr. Burritt presented the petition of Mary A. F. Howard, praying a divorce, which was read, and with accompanying affidavits referred to a select committee.—Messrs. Burritt, Niblack and McLeod were appointed that committee.

Mr. Thigpin presented a resolution proposing a final adjournment on the 23d inst. which was read and laid on the table.

Mr. Dozier offered a resolution asking information of the Governor concerning the Tallahassee fund, which was read and ordered to be read again on Monday next.

Mr. Ferguson from the committee on Schools and Colleges to whom had been referred a bill to be entitled, "An act to incorporate the trustees of the Calhoun Academy, in the county of Madison"—reported said bill without amendment, which was concurred in by the House, and said bill ordered to be engrossed for a third reading.

Mr. Burritt from the Judiciary committee to whom had been referred a bill entitled, "An act to incorporate the Protestant Episcopal Congregation at Jacksonville, reported said bill amended, which report was concurred in by the House, and said bill is ordered to be engrossed for a third reading on Monday next.

Mr. Bannerman from the committee on the State of the Territory to whom was referred a bill from the Senate entitled, "An act to organize the county of Clinton," reported said bill without amendment, which was concurred in by the House. On motion of Mr. Blount, said bill was indefinitely postponed.

A bill entitled "An act to authorise the Governor of the Territory of Florida to raise a force of mounted volunteers, for the protection of the Florida frontier, was on motion of Mr. Dozier laid on the table.

An engrossed bill, entitled "An act to incorporate the town of Newnansville," was read the third time and passed—ordered that the title be as stated.

A preamble and resolution reported to the House concerning the boundary line between this Territory and the State of Georgia, and Alabama, was again read and passed.

A bill entitled "An act for the relief of Hezekiah H. Wyncoop," was again read the second time, and ordered to be engrossed for a third reading on Monday.

A bill entitled "An act to authorise George Frederick Hamilton and Louis Schmidt, to dispose of real estate and other property by Lottery," was read the third time, the yeas and nays being required, were yeas, Messrs. Bannerman, Blount, Brett, Brown, Burritt, Duval, Fitzpatrick, Manly, McCall, McLeod, McNeill, McRaeny, Niblack, Reed, Tabor, Thigpin, Tradewell, and Wood, 18. Nays, Mr. Speaker, Messrs. Cooley, Dozier, Ferguson, Gould, Jenckes, Priest, Sumerlin, and Williams, 9—so said bill is passed—ordered that the title be as before stated.

An engrossed bill, entitled "An act for the relief of Calhoun county," was read and passed, ordered that the title be as stated.

The House then adjourned until Monday next at 12 o'clock.

MONDAY, February 4th, 1839.

The House met pursuant to adjournment; a quorum being present, the journal of last Friday's proceedings was read.

Mr. Ferguson gave notice, that he will on some future day, ask leave to introduce a bill to be entitled "An act to amend the Revenue law."

Mr. Gould pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, "An act in addition to, and to amend the several acts in relation to county courts,—which was read, and ordered for a second reading on to-morrow.

Mr. McNeill gave notice, that he will on some future day, introduce a bill to be entitled "An act to repeal an act entitled an act to fix the place of holding the Superior and county courts, in and for the county of Alachua, passed Jan. 26th, 1836.

Also a bill to be entitled "An act to incorporate the trustees of the Alachua Academy in Newnansville."

Mr. Blackburn gave notice, that he will on some future day, ask leave to introduce a bill to be entitled, "An act to repeal all former acts on the subject of Territorial taxation, and for other purposes.

On motion of Mr. Blackburn,—ordered that a bill entitled "An act to authorise the governor of the Territory of Florida, to raise a force of mounted volunteers for the protection of the Florida frontier, be taken from the table and placed among the orders for to-day.

Mr. Blackburn presented the petition of G. E. Dennis, and other inhabitants of Leon county, praying the formation of a new county out of a part of said county, which was read, and referred to a select committee.—Messrs. Blackburn, Bannerman, and Tradewell, were appointed that committee.

The Senate returned to this House, a bill entitled "An act to amend an act, entitled an act to establish the county site of Hamilton county, and to repeal an act to make permanent the county site of Hamilton, passed 15th Jan. 1836, passed 23d Jan. 1838, passed with amendments—which was laid on the table until to-morrow.

The Senate also returned a bill entitled "An act further to amend an act to incorporate the Lafayette Salt Company at Key West, approved Feb. 12, 1829," without amendment,—passed—which is ordered to be enrolled.

The Senate sent to this House a resolution passed by that body—requesting Congress to pass a law more particularly to define the powers of each House—which was laid on the table.

Mr. Jenckes presented a preamble and resolution which were read, laid on the table, and 100 copies ordered to be printed.

Mr. Gould presented certain resolutions in relation to School Lands, and School funds—which were read and laid on the table, and 50 copies ordered to be printed.

Mr. McLeod presented a preamble and resolution asking of Congress an appropriation for the repair of the Court House of Walton county, which was read, and ordered to be read again on to-morrow.

Mr. Duval offered a resolution, concerning the interests of agriculture which was read and ordered for a second reading to-morrow.

Mr. Brett offered a preamble and resolution concerning the revision of the laws which was read and ordered for to-morrow.

Mr. Burritt from the committee on the Judiciary, to whom was referred a bill entitled "An act amendatory to the several acts regulating appeals in this Territory," reported a substitute therefor entitled "An act concerning appeals from Justices courts," which report was concurred in, and said bill was laid on the table, and 50 copies ordered to be printed.

Mr. Dozier from the committee on enrollments, reported the following bills correctly enrolled, viz:

"An act to incorporate the Presbyterian Congregation at Mandarin," and

A memorial addressed to the Senate and House of Representatives of the United States, concerning the Seminole war,—which was signed by the Speaker.

Mr. Burritt from the select committee, to whom was referred a bill entitled "An act for the relief of Wm. G. Davis," made the following report:

The select committee to whom was referred a bill entitled "An act for the relief of Wm. G. Davis," have had the same with the accompanying documents under consideration, and find that said bill is predicated upon certain accounts of the said Wm. G. Davis against the Territory, for fees as jailer and board of prisoners confined in the county jail of the county of St. John, running from May 1836, to November 1837, and which have been presented for payment to the auditor of public accounts and rejected, as being not properly authenticated,—that said accounts numbered from one to 11 inclusive, with the exception of two are certified by the Judge of the Superior court for the District of East Florida, and that the said two accounts are certified by the District Attorney of that District, that said accounts are sworn to by the said Wm. G. Davis, and otherwise supported by satisfactory proofs and vouchers. Your committee have

further ascertained that although the said accounts may be informally certified, they are nevertheless such accounts as the law authorises to be paid when formally certified, and having satisfactory evidence of the justice of said claims, and believing it impracticable to procure more formal certificates, beg leave to report the said bill without amendment.

S. L. BURRITT, Chairman.

Which was read and concurred in, and said bill ordered to be engrossed for to-morrow.

A bill entitled "An act for the relief of John R. Stanley," was read the third time; the yeas and nays being required on its passage, were yeas, Messrs. Browne, Burritt, Cooley, Dozier, Duval, Gould, Jenckes, Manly, McNeill, Priest, Reed, Sumerlin, Tabor, Thigpin and Williams, 15. Nays, Mr. Speaker Messrs. Bannerman, Blackburn, Blount, Brett, Ferguson, Fitzpatrick, McCall, McLeod, McRaeny, Mooring, Tradewell and Wood, 13; so said bill is passed—ordered that the title be as stated.

Mr. Dozier on a former day offered the following resolution. Resolved, That the Governor of this Territory be requested to furnish this House a report of the standing and situation of the Tallahassee fund, and such observations make on the same as he may think necessary to the proper understanding of said fund; which was again read and adopted.

An engrossed bill entitled "An act for the relief of Hezekiah H. Wyncoop," was read the third time; the yeas and nays being required on its passage, were yeas, Messrs. Browne, Burritt, Cooley, Dozier, Duval, Gould, Jenckes, Manly, McNeill, Priest, Reed, Sumerlin, Tabor, Thigpin and Williams, 15. Nays, Mr. Speaker, Messrs. Bannerman, Blackburn, Blount, Brett, Ferguson, Fitzpatrick, McCall, McLeod, McRaeny, Mooring, Tradewell and Wood, 13; so said bill is passed—ordered that the title be as stated.

An engrossed bill entitled, "An act to incorporate the Protestant Episcopal church at Jacksonville," was read the third time and passed—ordered that the title be as stated.

An engrossed bill entitled "An act to incorporate the trustees of the Calhoun Academy in the county of Madison," was read the third time and passed—ordered that the title be as stated.

Mr. Dozier, from the committee on Enrollments reported the following bills correctly enrolled, viz.

"An act to establish a ferry across the Choctawhatchee river."

"A preamble and resolution concerning the navigation of the Chactawhatchee river, requesting of Congress a further appro-

priation for the removal of obstructions to the navigation of said river." Also,

"An act to authorize David Platt to establish a ferry near the junction of the Suwannee and Withlacoochee rivers in the county of Madison," which were signed by the Speaker of the House.

The House went into committee of the whole on a bill entitled "An act to authorize the Governor of the Territory of Florida, to raise a force of mounted volunteers for the protection of the Florida frontier;" after some time the committee rose, and Mr. Manly, chairman from said committee reported the bill with sundry amendments, which report was concurred in by the House, and said bill was again read the second time and ordered to be engrossed for a third reading to-morrow.

The House then adjourned until to-morrow at 12 o'clock.

TUESDAY, February 5th, 1839.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

The Senate sent to this House, sundry bills for concurrence which were placed among the orders for to-day.

On motion of Mr. Blackburn—ordered that the use of this Hall for the present evening be extended to Dr. Buchanan, for the delivery of a lecture on Phrenology.

Mr. Wood gave notice that he will on some future day, introduce a bill to amend the act incorporating the City of St. Joseph.

Mr. Blackburn pursuant to previous notice asked and obtained leave to introduce a bill entitled "An act to repeal all former acts, levying a Territorial tax, and for other purposes," which was read, laid on the table, and 50 copies are ordered.

Mr. McNeill pursuant to previous notice, asked and obtained leave to introduce a bill entitled "An act to incorporate the Alachua Academy," which was read and ordered for a second reading on to-morrow.

Mr. Dozier presented the petition of the executors of J. L. Parish, dec. asking leave to emancipate certain old slaves, which was read and referred to the committee on the State of the Territory, with leave to report by bill or otherwise.

Mr. Brett offered a resolution to provide against waste on the School lands, which was read and ordered for a second reading to-morrow.

Mr. Burritt from the select committee to whom had been referred the petition of Mary A. F. Howard, reported a bill entitled "An act to divorce Mary A. F. Howard from her husband Ora Howard;" which report was concurred in, and said bill read, and ordered for a second reading to-morrow.

A bill entitled "An act in addition to, and to amend the several acts in relation to county courts," was read the second time, and ordered to be engrossed for to-morrow.

A preamble and resolution asking an appropriation for the repair of the Court House in Walton county, was again read and adopted.

An engrossed bill entitled "An act for the relief of William G. Davis," was read the third time; the yeas and nays being required on its passage, were yeas—Mr. Speaker, Messrs. Bannerman, Blackburn, Blount, Brett, Brown, Burritt, Cooley, Dozier, Duval, Ferguson, Gould, Jenckes, Manly, McLeod, McNeill, McRaeny, Mooring, Niblack, Priest, Reed, Sumerlin, Thigpin, Williams and Wood, 25; nays—Mr. Fitzpatrick, 1. So said bill is passed; ordered that the title be as stated.

A resolution concerning the condensation of the laws offered on yesterday by Mr. Brett, was on his motion laid on the table.

Mr. Duval on yesterday offered the following resolution:—Resolved, That the committee on agriculture be instructed to report by bill or otherwise, the most suitable place to establish an agricultural society in the Territory of Florida, and suitable rewards to the most successful cultivator of the soil; which was again read and adopted.

A bill entitled "an act directing the place at which the next session of the Legislative Council shall take place, was taken up in committee of the whole;" after some time the committee rose, and Mr. Burritt, chairman, reported said bill to the House amended. On motion the bill was ordered to be laid on the table.

An engrossed bill entitled, "An act to authorise the Governor of the Territory of Florida to raise a force of mounted Volunteers for the protection of the Florida frontier" was read the third time and passed—ordered that the title be as before stated.

A resolution concerning the final adjournment was read and made the special order for Monday next.

A resolution sent to this House from the Senate requesting the Delegate to apply to Congress for a special act, defining more particularly the powers of the respective Houses of the Legislative Council, was taken from the table and read, and on motion of Mr. Gould indefinitely postponed.

The Senate returned to this House a bill entitled "An act to establish an Academy on the Mickasukie Lake in the county of Leon, and to incorporate the Trustees thereof," passed without amendment, which is ordered to be enrolled.

The Senate sent to this House a bill entitled "An act to authorize the Governor to locate one quarter section of land, &c.," which was read and 50 copies ordered to be printed.

Also a bill entitled "An act to incorporate the city of St. Augustine, and repeal the acts now in force incorporating the said city," which, on motion of Mr. Jenckes, was laid on the table.

The House then adjourned until to-morrow at 12 o'clock.

WEDNESDAY, Feb. 6th 1839.

The House met pursuant to adjournment; a quorum being present the journal of yesterday's proceedings was read.

Mr. Dozier presented a petition from Martha Blackwell, praying to be divorced from her husband Jacob A. Blackwell, which was read and referred to a select committee. Messrs. Dozier, Wood, Manly, Browne, and Blackburn, were appointed that committee.

Mr. Burritt moved to appoint a select committee to wait on the Senate, and ask of that body to return to the House a bill, entitled "An act for the relief of William G. Davis," sent there for their concurrence, together with the vouchers and exhibits which accompanied said bill, which motion prevailed, and Messrs. Burritt, Duval, and Cooley were appointed that committee.

Mr. Gould offered a resolution asking to organize a committee to enquire what laws are in force relative to divorces; which was read and ordered for to-morrow.

Mr. Burritt, from the select committee appointed to wait on the Senate, reported the duty had been performed,—And, that the Senate had returned to the House the Bill entitled "An act for the relief of Wm. G. Davis," with the exhibits appertaining to said bill, which, on motion of Mr. Duval, of the majority on its passage, was ordered to be reconsidered.

A bill entitled "An act to incorporate the Alachua Academy" was read the second time, and ordered to be engrossed for to-morrow.

Mr. Brett offered the following resolution on yesterday: Resolved, That the committee on Schools and Colleges be

instructed to enquire what better system than the present may be devised of preserving the sixteenth section in this Territory from trespass and waste; of making them most available for the use of schools in each township; and as to the propriety of giving the election for the protection of the same, and the direction of the funds derived therefrom to the people of the township; and that they make report by bill or otherwise, which was again read and adopted.

A bill entitled "An act to divorce Mary A. F. Howard, from her husband, Ora Howard," was read the second time, and ordered to be engrossed for to-morrow.

Mr. Burritt offered the following resolution, which, the rule being waived, was twice read and passed, to wit:

Resolved, by the House of Representatives of the Territory of Florida, That the Auditor of this Territory be instructed to report to this house forthwith, what accounts of Wm. G. Davis, as jailor of the county of St. Johns have been paid or audited at the Treasury offices since the month of April, 1836.

A bill entitled "An act in addition to, and to amend the several acts in relation to county courts," was read the third time and passed. Ordered that the title be as before stated.

A bill entitled "An act to amend an act, entitled an act to establish the county site of Hamilton county, and to repeal an act to make permanent the county site of Hamilton county, passed January 15, 1836," was returned by the Senate, passed with amendments, so as to add to the title the words, "passed 23d January, 1838," and to make the enacting clause read, "Be it enacted by the Governor and Legislative Council of the Territory of Florida," which amendments were concurred in by the House, and said bill is ordered to be enrolled.

On motion of Mr. Jenckes, a bill entitled "An act to incorporate the city of St. Augustine, and to repeal the acts now in force incorporating the said city," was taken from the table, and on his motion indefinitely postponed.

Mr. Speaker laid before the House a communication from Thos. Brown, chairman of the stockholders of the Union Bank, inclosing a resolution adopted at a meeting on the 4th day of February, 1839, which was laid on the table.

The House then adjourned until to-morrow at 12 o'clock.

THURSDAY February 7th, 1839.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

The Senate communicated to this House certain documents which are placed among the orders for to-day.

Mr. McLeod, who voted with the majority on the indefinite postponement of a bill entitled "An act to incorporate the city of St. Augustine, and repeal the act now in force, incorporating the said city, moved a reconsideration of that vote; the yeas and nays being required on that motion, were yeas, Mr. Speaker, Messrs. Bannerman, Burritt, Cooley, Duval, Gould, Fitzpatrick, Manly, McCall, McLeod, Niblack, Priest, Reed, Tabor, and Tradewell, 15. Nays, Messrs. Blackburn, Blount, Brett, Brown, Dozier, Ferguson, Jenckes, McNeill, McRaeny, Thigpin, and Williams, 11; so the motion prevailed, and said bill was placed among the orders for to-morrow.

Mr. Dozier pursuant to notice heretofore given, asked and obtained leave to introduce a bill to be entitled "An act for the relief of Thos. Ross and others,"—which was read and ordered to be read again on to-morrow.

Mr. Blount gave notice, that he will on to-morrow ask leave to introduce a bill entitled "An act to incorporate the city of Pensacola, and to repeal the act, entitled an act to incorporate the city of Pensacola, and improve the public roads in the neighborhood thereof, approved Feb. 15th 1839."

Mr. Dozier from the committee on Enrollments, reported as correctly enrolled,—“An act to amend an act, entitled an act to establish the county site of Hamilton county, and to repeal an act to make permanent the county site of Hamilton county, passed 15th January, 1836, passed the 23d January, 1838”—which was signed by the Speaker:

Mr. Dozier from the select committee to whom was referred the petition of Martha P. Triplett—reported a bill entitled "An act to divorce Martha P. Blackwell from her husband Jacob A. Blackwell," which report was concurred in; said bill read and ordered to be read again on to-morrow.

An engrossed bill, entitled "An act to divorce Mary A. F. Howard, from her husband Ora Howard," was read the third time, the yeas and nays being required on its passage, were yeas, Messrs. Brown, Burritt, Cooley, Dozier, Duval, McNeill, Niblack, Reed, Thigpin and Wood, 10,—nays, Mr. Speaker, Messrs. Bannerman, Blackburn, Blount, Brett, Ferguson, Fitzpatrick, Jenckes, Manly, McCall, McLeod, McRaeny, Priest, Tabor, and Tradewell, 15; so said bill is lost.

A resolution offered on yesterday by Mr. Gould to enquire

into the existing laws on divorce, was on his motion laid on the table.

The House went into committee of the whole on a bill entitled "An act to incorporate the Alachua Academy;" after sometime the committee rose, and Mr. Bannerman, chairman therefrom, reported said bill to the House with amendments, which report was concurred in, and said bill was again read the second time, and ordered to be engrossed for a third reading on to-morrow.

An engrossed bill entitled "An act for the relief of Eleanor Grimes," was taken from the table, and read the third time.—The yeas and nays being required on its passage—were yeas, Messrs. Bannerman, Brown, Burritt, Cooley, Dozier, Duval, Manly, McCall, McNeill, McRaeny, Niblack, Reed, Thigpin, and Wood, 14—nays Mr. Speaker, Messrs. Blackburn, Blount, Brett, Ferguson, Fitzpatrick, Gould, Jenckes, McLeod, Priest, Tabor, Tradewell, and Williams, 13; so said bill is passed,—ordered that the title be as stated.

A bill entitled An act to repeal all former acts levying a Territorial tax and for other purposes, was taken from the table. The House went into committee thereon, after sometime the committee rose, and Mr. Tabor, chairman therefrom, reported said bill to the House, with all but the enacting clause stricken out, which report was concurred in by the House; so said bill is lost.

The House went into secret session on the following nominations of the Governor, sent by the Senate here this morning to wit :

EXECUTIVE OFFICE, }
TALLAHASSEE, Feb. 3, 1839. }

To the Senate of the Legislative Council of Florida.

GENTLEMEN :

I hereby nominate John M. C. Rowell, William H. Robinson, Jacob Robinson, Joseph Irwin, Samuel Stephens, Charles Howard, James Ogwald and William McNeily of Jackson County, Justices of the Peace, in and for said County.

R. K. CALL, Governor of Florida.

And consented to and advised the same, when the door was again opened.

The Senate returned to this House, passed on the 6th Feb. 1836, a bill entitled "An act to incorporate the town of Newnansville," which is ordered to be enrolled.

The House then adjourned until to-morrow 12 o'clock.

FRIDAY, February, 8th 1839.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

His Excellency, the Governor, transmitted to this House, certain communications, which were placed among the orders for to-day.

A message was received from the Senate which was placed among the orders for to-day.

Mr. Ferguson gave notice that he will on some future day ask leave to introduce a bill, to be entitled "An act in addition to an act, relating to crimes and misdemeanors, approved Feb. 10, 1832."

On motion of Mr. Burritt, resolutions heretofore offered by him, concerning certain resolutions of the Convention were taken from the table, and placed among the orders for to-day.

On motion of Mr. Gould, resolutions heretofore offered by him, in relation to school lands and school funds, were taken from the table and placed among the orders for to-day.

Mr. Reed gave notice that he will on some future day introduce a bill entitled "An act to raise a fund by taxation for the education of poor children in the Territory of Florida."

Mr. Blackburn gave notice that he will on some future day, ask leave to introduce a bill to be entitled "An act to amend an act entitled an act to suppress the issuing or circulating of change bills and for other purposes, approved 10th February, 1838."

Mr. Niblack gave notice that he will on some future day, ask leave to introduce a bill for the relief of Esther Sparkman.

Mr. McCall who voted in the majority on a bill, entitled "An Act, to divorce Mary A. F. Howard, from her husband, Ora Howard," and which bill was lost yesterday, moved a reconsideration of that vote, which was ordered, and said bill is laid on the table.

Mr. McNeill, pursuant to notice heretofore given, asked and obtained leave to introduce a bill, entitled "An Act," to fix the place of holding Courts in, and for the county of Alachua"; which was read, and placed among the orders for a second reading on Monday next.

Mr. Duval, pursuant to notice heretofore given, asked and obtained leave to introduce a bill, entitled, "An Act, in addition to the several acts now in force, relating to free persons of color;" which was laid on the table, and 50 copies ordered to be printed.

Mr. Speaker laid before the House a communication from the

Auditor of public accounts—which was ordered to be placed among the orders for to-day.

Mr. Dozier presented the petition of C. H. Edwards, praying an allowance for services rendered in taking the Census of Madison county—which was read, and referred to the Committee on Claims, with instructions to report on to-morrow, by bill or otherwise.

Mr. Wood presented the petition of A. J. Ross, Sheriff of Calhoun county, praying the allowance of certain claims which was read, and referred to the Committee on Claims.

Mr. Blackburn offered certain resolutions, relative to the Tallahassee and St. Marks Rail Road Company exercising Banking privileges, which were read and placed among the orders for a second reading.

Mr. Ferguson offered a resolution, requiring 100 copies of a Report of the Finance Committee of the Senate of the United States, in June, 1836, upon Corporations and Banks in this Territory, to be printed—which was read, and placed among the orders for a second reading.

Mr. Niblack offered a resolution, asking of Congress an appropriation for improving the navigation of the Suwannee and St. Affee rivers—which was read and placed among the orders for a second reading.

Mr. Dozier, from the Committee on Enrollments, reported as correctly enrolled—"An act, to establish an Academy on the Mickasukie Lake, in the county of Leon, and to incorporate the Trustees thereof,"—which was signed by the Speaker.

Mr. Bannerman, from the committee on the state of the Territory, to whom was referred the petition of John A. Cuthbert and others—reported, that having had the same under consideration, the Committee are of opinion the prayer of the petitioners should not be granted—and ask to be discharged from further consideration of the matter—which report was concurred in by the House.

Mr. Wood, from the committee on Banks, to whom was referred the following resolution, viz:

Resolved, That the standing committee on Banks be instructed to enquire into and report forthwith whether any and what action has been had by any previous legislation, or by the Territorial authorities in reference to such Bank charters as may have been misused or the provisions of which have not been complied with. And that they further inform this House what further legislation is necessary to annul such charters. And that said committee have leave to report by bill or otherwise:

Beg leave to report, that in the discharge of their duties, they have examined the several acts creating bank charters, also sundry acts amending and altering the same, but have not been able to find any legislation annulling, repealing, or otherwise extinguishing such charters as have been misused, or whose provisions have not been complied with, and recommend the passage of the following bill entitled "An act to prevent the future exercise of corporate privileges by certain banking corporations."

Which was concurred in, and said bill was read, and placed among the orders for a second reading, on Monday next.

Mr. Dozier from the select committee to whom was referred the petition of Benjamin G. Thornton, beg leave to report, That they have carefully examined said petition and carefully investigated the matter connected therewith, and have deliberately come to the conclusion that said petition is reasonable and just, and that the prayer thereof should be granted by this Legislative Council.

Your committee have arrived at this conclusion, from the simple fact that it would be a wanton breach of faith on the part of the Territory to refuse a compliance with the award which was made by the arbitrators appointed to decide the matter in controversy between the Territory of Florida and said Thornton—what are the facts in this case? In the year 1834 the Legislative Council passed an act appointing arbitrators to decide the matter in controversy; under the provisions of this act Edward Chandler, and James A. Berthelot Esqs., were appointed arbitrators. After a careful and minute investigation of the matters submitted to them, said arbitrators severally drew up their opinions in writing, which several opinions conflicted; and in accordance with the interest of the law, they called in an umpire, and agreed that Thomas P. Randolph, Esq., owing to his impartiality and honesty, should act as umpire.

The papers, documents, testimony and opinions of the arbitrators were all submitted to said umpire, who after spending sometime therein; reported that said Benjamin G. Thornton was entitled to receive of and from the Territory the sum of six thousand four hundred and eighty-five dollars. But by a clause in the law under which these arbitrators acted, it was made necessary to submit said decision or award to the auditor for his approval or rejection; this was accordingly done and the auditor refused to approve the same.

Now whether the disapproval of the auditor in a matter in which it is to be presumed he had no evidence, should weigh more than the deliberate opinion of the umpire who was sworn to decide according to the equity and justice of the case is a mat-

ter which your committee is perfectly willing to leave to the justice of this Legislative Council.

Your committee would therefore beg leave to report a bill entitled "An Act for the relief of Benjamin G. Thornton",—which report was concurred in by the House, and said bill was read, and ordered for a second reading on Monday next.

A bill entitled "An Act to incorporate the city of St. Augustine, and repeal the acts now in force, incorporating said city," was taken from the orders of the day. Mr. Jenckes moved that said bill be indefinitely postponed—the yeas and nays being required on said motion, were—yeas, Mr. Speaker, Messrs. Bannerman, Blackburn, Brett, Brown, Cooley, Dozier, Duval, Ferguson, Fitzpatrick, Gould, Jenckes, Manly, McCall, McRaeny, Tabor, Thigpin, Tradewell, Williams and Wood, 20,—nays Messrs. Burritt, McLeod, McNeill, Niblaek, Priest, and Reed, 6—so said motion prevailed, and the bill is lost.

A bill entitled, "an act for the relief of Thomas Ross, and others, was read the second time, and ordered to be engrossed for to-morrow.

A bill entitled "An act to divorce Martha P. Blackwell from her husband Jacob A. Blackwell" was read the second time and ordered to be engrossed for to-morrow.

An engrossed bill entitled "an act to incorporate the Alachua Academy," was read the third time and passed.

His Excellency, the Governor, transmitted to the House the following communications.

EXECUTIVE OFFICE,
Tallahassee, Feb. 7, 1839. }

To the Speaker of the House of Representatives of the Legislative Council of Florida.

SIR:

In reply to the request contained in the Resolution, passed by the House of Representatives, on the 4th inst., requiring the Governor of the Territory to make a report on the state and condition of the Tallahassee fund, I have to inform the House of Representatives, that there is no document in the Archives of the Executive Department presenting the least information on this subject. By reference to the several acts of the Legislative Council, in relation to this fund, and prescribing the duties of the Commissioners, under whose management it was placed, it will be seen that those officers were required to make their reports alone to the Legislative Council; hence the Governor of the Territory has at no time exercised any superintending control over either the Commissioner or this fund. The Commissioner in office at the time the present Executive came into pow-

er was superseded, and the late Charles Austin was appointed his successor. No funds were turned over to this officer by his predecessor, and although he entered upon the duties of his station, with his usual diligence and fidelity, he unfortunately did not live long enough to unravel the labyrinth, and restore order, from the confusion in which the office was found. During the last year, Doct. Charles English was appointed to this office—a gentleman, in every respect, well qualified to perform its duties. He devoted himself for some time assiduously, endeavoring to make himself acquainted with the affairs of that Department, but finding his salary so entirely inadequate to the duties he was required to perform, he resigned, without making a written report of his proceedings. The bonds of the two last mentioned Commissioners are on file in the Executive Office, although no portion of the fund ever came to their possession. With the exception of that of Turbutt R. Betton, one of the former Commissioners, these are the only bonds of the officers of that Department, to be found in the Archives. The whole fund so far as it has been collected, has been exhausted, either properly, or improperly. It is believed, however, that there is a large sum remaining due from the purchasers of Town Lots, which might be collected under the administration of a competent officer, but until the Legislative Council shall have increased the salary of the office of Commissioner, the necessary talent, character, and industry cannot be procured for that station. It is an office, which, in all probability, will not be continued for any great length of time; but it is one, which, from its present confused state, will require much labour, and will impose high responsibility, for the next two or three years. The salary should correspond with the importance and labor of the office, and be such as would not only make the place acceptable to the incumbent, but enable him to devote his whole time to its administration. In my annual communications to the Legislative Council, for the last two sessions, I have invited attention to this subject, but it remains without farther Legislative action. I now recommend to the Council, a review and amendment of the several acts, prescribing the duties of the Commissioner, and regulating the sale of the public lots to individuals. Much of the confusion and irregularity which prevails at present in this office, may be attributed to injudicious and unwise Legislation. The act of 1824, under which the first board of Commissioners was organized, was plain, simple and comprehensive in its provisions, and little difficulty was found in carrying into execution. Robert Butler, Ambrose Crane and Thomas Penn, were the first Commissioners of this

fund, and the manner in which their duties were performed, was creditable to them, and has been highly satisfactory to the country. Their accounts with the Territory, were closed without difficulty, and they have left in the office, a comprehensive record of all the proceedings. With little amendment, the act of 1824 would present an excellent system for the future sale of the public property, and would give equal protection to the interest of the Territory, and that of the purchasers. The subsequent acts are more complicated in effect, less comprehensive, and more expensive in the administration of the office, as well as to individuals, and should be repealed.

Respectfully,

R. K. CALL,

Governor of Florida.

EXECUTIVE OFFICE,

February 7, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN: I herewith present the report of the bank of Jacksonville, shewing the condition of that institution on the 30th of last month. Respectfully,

R. K. CALL,

Governor of Florida.

Which was read, and 50 copies of each, together with the Bank Report enclosed, are ordered to be printed.

The Senate transmitted to the House, a bill entitled "An act constituting a board of wardens, commissioners of pilotage, and commissioners of wrecks, for the ports of St. Augustine and Jacksonville, respectively," passed in that House, which was read, laid on the table, and 50 printed copies ordered.

The Senate returned to this House a bill entitled "An act to amend an act entitled an act relating to crimes and misdemeanors, approved Feb. 10, 1832," amended in the 2d section so as to make it read,—“shall play and bet at any gambling table or in any gambling house, booth, tent or shelter, &c.” Also by the addition of a 5th and 6th sections—which amendments were concurred in by the House and said bill is ordered to be enrolled.

Certain resolutions in relation to the powers of the Convention and other matters therein contained, were on motion of Mr. Blount postponed, and made the order for Tuesday next.

The following resolutions offered by Mr. Gould on a former day, were again read and adopted, to wit:

Resolved, That the Committee on Schools and Colleges be instructed to consider and report on the propriety of adopting proper measures to procure a repeal of the act of Congress, passed 1st July, 1836, and entitled "An act to authorize the Governor and Legislative Council to sell lands heretofore re-

served for the benefit of a general Seminary of learning in said Territory."

Resolved, That the same committee be further instructed to report upon the best means to be adopted to guard, protect and increase the funds set apart and to be appropriated for the purposes and uses of schools and colleges in this Territory.

Resolved, That the same committee be further instructed to consider and report upon the propriety of authorizing his Excellency the Governor to employ such means as he may deem most advisable to obtain the best information, and to devise the best system of common schools, and that he lay the same before the next council.

Mr. Dozier from the committee on enrollments, reported as correctly enrolled, "An act to incorporate the town of Newnansville",—which was signed by the Speaker, and sent to the Senate.

A communication from L. A. Thompson, Esq. auditor of the Territory of Florida, in relation to the accounts of Wm. G. Davis, jailer of St Johns county, was read, and his accounts and vouchers ordered to be referred to the same select committee, who reported the bill.

Mr. Dozier presented a resolution, requiring the auditor to furnish this House with a list of accounts of Wm. C. Davis, jailer of St. Johns county, with the date and amount of each, paid since the month of April 1836—which was read and laid on the table until Monday.

On motion that the House adjourn until Monday next—the yeas and nays being required thereon, were yeas, Mr. Speaker, Messrs. Bannerman, Brown, Burritt, Duval, Ferguson, Fitzpatrick, Jenckes, Manly, McLeod, McNeill, Reed, Thigpin and Tradewell, 15—nays, Messrs. Blackburn, Blount, Brett, Cooley, Dozier, Gould, Niblack, Priest and Tabor, 9, so the motion prevailed, and the House adjourned until Monday at 12 o'clock,

MONDAY, February 11th, 1839.

The House met pursuant to adjournment; a quorum being present, the journal of last Friday's proceedings was read.

Mr. Ferguson pursuant to previous notice asked and obtained leave to introduce a bill to be entitled "An act in addition to an act relating to crimes and misdemeanors, approved Feb. 10, 1832," which was read and ordered for a second reading to-morrow.

On motion of Mr. Dozier, a bill entitled "An act to divorce Mary A. F. Howard, from her husband Ora Howard" was taken from the table, and placed among the orders for to day.

Mr. McRaeny pursuant to previous notice, asked and obtained leave to introduce a bill entitled "An act to amend the several acts incorporating the city of Tallahassee," which was read, and ordered for a second reading on to-morrow.

The Senate sent to this House resolutions and also returned a bill amended, which were placed among the orders for to-day.

On motion of Mr. Duval a bill entitled "An act in addition to the several acts now in force relating to free persons of color" was taken from the table and placed among the orders for to-morrow.

Mr. Blount pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled "An act to incorporate the city of Pensacola, and to repeal the act entitled an act to incorporate the city of Pensacola, and improve the public roads in the neighborhood thereof, approved Feb. 15, 1833," which was read, laid on the table and 50 copies ordered.

Mr. Wood pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled "An act to amend an act incorporating the city of St. Joseph," which was read and ordered for a second reading to-morrow.

Also a petition of a committee of merchants of St. Joseph, praying an incorporation of a chamber of commerce, the reading whereof was dispensed with, and said petition was referred to a select committee—Messrs. Wood, Fitzpatrick and Blount, were appointed that committee.

Mr. Dozier, from the committee on enrollments, reported as correctly enrolled, "An act to amend an act entitled an act relating to crimes and misdemeanors, approved Feb. 10, 1832," which was signed by the speaker and sent to the Senate.

A joint resolution concerning the final adjournment was postponed until to-morrow.

A bill entitled "An act to fix the place of holding courts in and for Alachua county," was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Certain resolutions concerning an enquiry into the exercise of banking privileges by the Tallahassee and St. Marks Railroad Company, were ordered to be laid on the table, and 50 copies ordered to be printed.

Mr. Ferguson on a former day offered the following preamble and resolution, to wit:

Whereas, the report made by the committee on Finance of which the Honorable Daniel Webster was chairman, relative to

incorporating of Banks in the Territory of Florida, reported on the 20th of June 1836, in the Senate of the United States is a document of great importance to the citizens of Florida, and particularly to this House.

Be it therefore resolved, by the Senate and House of Representatives of the Territory of Florida, That three hundred copies of said resolution be printed for the use of this House.

Which was again read and adopted.

Mr. Niblack offered certain joint resolutions, asking an appropriation of Congress for the improvement of the navigation of Suwannee and St. Affee rivers, which were again read and adopted.

A bill entitled "An act to prevent the future exercise of corporate privileges by certain banking corporations," was read the second time, laid on the table and 50 printed copies ordered.

A bill entitled "An act for the relief of Benjamin G. Thornton," was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill entitled "An act for the relief of Thomas Ross and others," was read the third time, the yeas and nays being required on its passage, were yeas, Messrs. Blackburn, Blount, Brett, Browne, Burritt, Dozier, Duval, Gould, Jenckes, Manly, McCall, McRaeny, Niblack, Priest, Reed, Thigpin and Wood, 17—nays, Mr. Speaker, Messrs. Bannerman, Cooley, Ferguson, Fitzpatrick, McLeod, McNeill and Tradewell, 8, so said bill is passed—ordered that the title be as stated.

Mr. Dozier on a former day offered the following resolution to wit: Resolved that the auditor of this Territory, do furnish this House with a list of all accounts paid to Wm. G. Davis, as jailer of St. Johns county, with the name, date, and amount of of each and every account, since the month of April 1836, which was again read and adopted.

The Senate sent to this House, a resolution requiring the appointment of a joint committee to contract for the binding and making indexes to the original enrollments, of the Legislative council, deposited in the Secretary's office, which was read and laid on the table.

Also a resolution, requiring the Treasurer to pay to the order of Jno. P. Duval Esq. Secretary of the Territory, the accounts of Editors for News papers furnished the Council, which was read and laid on the table.

The Senate returned to the House a bill entitled "An act to incorporate the Protestant Episcopal Church at Jacksonville" so amended as to make the first section, read, Wm. J. Mills, Samuel L. Burritt, and Robert Bigelow, wardens," which a-

ment was concurred in by the House, and said bill is ordered to be enrolled.

An engrossed bill entitled, "An act to divorce Martha P. Blackwell, from her husband Jacob A. Blackwell, was read the third time—the yeas and nays being required on its passage, were yeas, Mr. Speaker, Messrs. Bannerman, Blackburn, Blount, Browne, Burritt, Cooley, Dozier, Duval, Ferguson, Jenckes, Manly, McCall, McRaeny, Niblack, Reed, Thigpin, and Wood 18—nays Messrs. Brett, Fitzpatrick, McLeod, McNeill, and Priest 5—so said bill is passed, ordered that the title be as stated.

An engrossed bill entitled, "An act to divorce Mary A. F. Howard from her husband Ora Howard," was read the third time, the yeas and nays being required on its passage, were yeas Messrs. Browne, Burritt, Cooley, Dozier, Duval, Jenckes, Manly, McCall, McNeill, Niblack, Reed, Thigpin, and Wood 13—nays Mr. Speaker, Messrs. Brett, Fitzpatrick, McLeod, McRaeny, Priest, and Tradewell 7—so said bill is passed, ordered that the title be as stated.

On motion of Mr. Gould, leave is given him to be excused from voting on the passage of the foregoing bill.

His Excellency the Governor transmitted to the House the following communication to wit:

EXECUTIVE OFFICE, }
TALLAHASSEE, Feb. 8, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN: I have approved and deposited in the office of the Secretary of the Territory the following acts of the Legislative Council:

An act entitled "an act to incorporate the Presbyterian Congregation at Mandarin."

"An act to authorize David Platt to establish a ferry near the junction of the Suwannee and Withlacoochee rivers in the county of Madison."

"An act to establish a ferry across the Choctawhatchee river."

"A resolution requesting our Delegate in Congress to endeavor to procure an appropriation of ten thousand dollars for the purpose of removing the obstructions of the Choctawhatchee river to the Alabama line.

R. K. CALL,
Governor of Florida.

The Senate sent to this House a memorial to Congress, which was laid on the table and 50 printed copies are ordered.

The House then adjourned until to-morrow at 12 o'clock.

TUESDAY, February 12th, 1839.

The House met pursuant to adjournment; a quorum being present the journal of yesterday's proceedings was read.

Mr. Sumerlin gave notice, that he will on some future day ask leave to introduce a bill to be entitled—"An act to authorise the Trustees of the Calhoun Academy to rent the School lands within the County of Madison, and for other purposes."

Mr. Reed pursuant to previous notice, asked and obtained leave to introduce a bill entitled "An act to raise a fund by taxation for the education of poor children," which was twice read, (the rule being waived) and 50 printed copies ordered.

Mr. Jenckes pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled "An act to amend the several acts now in force in relation to elections," which was laid on the table, and 50 copies ordered to be printed.

Mr. Tradewell pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled "An act to authorise the Brunswick and Florida Railroad Company to extend their road into Florida and for other purposes," which, the rule being waived, was twice read and referred to the committee on Internal Improvement.

Mr. Blackburn gave notice that he will on some future day, ask leave to introduce a bill to be entitled "An act concerning free white laborers, who have been, or may be imported from other sections to this Territory."

Also a bill to be entitled "An act in addition to an act entitled an act suppressing the issuing or circulating of change bills, and for other purposes, approved Feb. 11, 1838," which was read and ordered for a second reading to-morrow.

On motion of Mr. Wood—ordered, that the report of the bank of Jacksonville be taken from the table and placed among the orders for the day.

Mr. Fitzpatrick gave notice, that he will on some future day introduce a bill to incorporate a Bank to be called the Planters' Bank of Florida.

Mr. Blackburn presented the petition of Wilkins C. Smith, asking for relief, which was read and referred to a select committee. Messrs. Blackburn, Dozier, and Sumerlin, were appointed that committee.

Mr. Niblack presented the petition of Esther Sparkman, praying a divorce, which was read and referred to a select committee—Messrs. Niblack, Dozier and Thigpin, were appointed said committee.

Mr. Fitzpatrick offered the following resolution, to wit: Resolved, That the Treasurer of the Territory be instructed to report to this House the names of all tax collectors, who have neglected to pay over the taxes collected by them in the several counties, which was read.

Mr. Dozier from the committee on enrollments reported as correctly enrolled, "An act to incorporate the Protestant Episcopal church at Jacksonville," which was signed by the Speaker of the House.

The following resolution heretofore offered by Mr. Thigpin, was taken up from the orders of the day, to wit:

Be it resolved by the Senate and House of Representatives of the Territory of Florida, That this Legislative Council will on Saturday the 23d day of Feb. inst, adjourn, *sine die*.

Mr. Dozier moved to lay said resolution on the table until Monday next. The yeas and nays being required on said motion, were yeas, Mr. Speaker, Messrs. Bannerman, Blackburn, Browne, Dozier, Duval, Ferguson, Gould, Manly, McCall, McLeod, McRaeny and Wood, 13,—nays, Messrs. Blount, Brett, Burritt, Cooley, Fitzpatrick, Jenckes, McNeill, Niblack, Priest Reed, Sumerlin, Tabor, Thigpin, Tradewell, and Williams, 15. So said motion is lost.

Said resolution was then put on its passage, the yeas, and nays being required thereon, were yeas, Mr. Speaker, Messrs. Bannerman, Blackburn, Blount, Burritt, Brett, Cooley, Dozier, Ferguson, Fitzpatrick, Gould, Jenckes, McCall, McLeod, McNeill, Niblack, Priest, Reed, Sumerlin, Tabor, Thigpin and Tradewell, 22. Nays, Messrs. Browne, Duval, Manly, McRae-ney Williams and Wood, 6; so said resolution is passed.

The following preamble and resolutions heretofore introduced by Mr. Burritt, were taken from the special orders for the day, and read, to wit:

Whereas, a certain preamble and resolution was adopted by the late Convention of the Territory of Florida, assembled for the formation of a State Constitution, invoking the action of Congress upon the banking, rail-road and other corporations heretofore chartered by the Territorial Legislature.

Be it resolved, therefore, by the Governor and Legislative Council of the Territory of Florida, That the powers of the said Convention were limited to the formation and adoption of a Constitution for the People of Florida, with such other measures as might be needful, preparatory to its admission into the National Confeder-

acy; and that in assuming to represent the people in any other way, or for any other purpose, that body has travelled beyond the pale of its authority.

Resolved, That, in referring to Congress the chartered institutions of this Territory, which for years have been acquiesced in by the General Government, and especially, in invoking its power to repeal, amend, or alter the same, the said Convention has assumed to itself a prerogative never conferred upon it, or even contemplated by the people.

Resolved, That the allegations in the said preamble and resolution, against certain existing corporate institutions in this Territory, are loose, indefinite, not founded in fact, and such as could not with a due regard to impartial justice, as the same are presented, be met, and corrected by any tribunal competent to afford a remedy.

Resolved, That the assailing the established institutions of our Territory, and referring them to the action of Congress, is impolitic, unjust, and inexpedient, and calculated to impair their credit and usefulness; and that, while it is not denied that our Territorial banks referred to were in common with similar institutions at the South, driven to a suspension of specie payments, and more or less of them to a curtailment in their issues, a confidence is nevertheless entertained in their general good management, and their present as well as future solvency.

Resolved, That the adoption of the said preamble and resolution, being an exercise of authority not delegated by the people of this Territory, should be regarded only as the expression of individual sentiment, so far as the same were expressed by the members of said Convention.

Resolved, That our Delegate in Congress, he instructed to resist, by all proper ways and means, any measure in that body which may have for its object the repealing, amending, or altering the charter of any of the aforesaid incorporated institutions of this Territory.

Some time being spent in the discussion of said resolutions,

On motion of Mr. Blount the House then adjourned until tomorrow at 10 o'clock.

WEDNESDAY, February 13th, 1839.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Wood gave notice that he will on some future day, introduce a bill to amend the charter of the Lake Wimico and St. Joseph Canal and Railroad company.

Mr. McLeod gave notice that he will on some future day, introduce a bill to be entitled "an act to prohibit all persons from carrying arms secretly, and to repeal all former laws, prohibit

ing all persons from vending and carrying arms secretly in this Territory."

The Senate sent to this House the following nominations for their concurrence.

The Senate consented to, and advised the following nominations of his Excellency the Governor, viz: Geo. E. Dennis, Jno D. Parish, David Brown, Charles B. West, James R. Green, James P. Trotter, James Stewart, John Ister and Richard Bradford, as Justices of the Peace in and for the County of Leon.

William Miller, J. B. Lassiter, William Evans, and Lemuel C. Baines, Justices of the Peace, in and for the County of Washington.

Wood, Justice of the Peace, in and for the county of Gadsden—which are ordered to be sent to the House for their consent.

Att: J. S. ROBINSON, Sec'y. Senate.

Which, the doors being closed, were consented to and advised—when the door was again opened.

The Senate returned to the House, a preamble and resolution asking an appropriation by Congress for the repair of Walton county Court House—which was laid on the table until to-morrow.

Also, a bill entitled "an act to incorporate the trustees of the Calhoun academy, in the county of Madison," passed by that body without amendment—which is ordered to be enrolled.

Mr. McCall gave notice that he will on some future day ask leave to introduce a bill, to be entitled "an act to extend the jurisdiction of Justices of the Peace in this Territory."

Mr. Duval presented the petition of Christopher Fletcher, asking an allowance for services as Jail guard, which was read and referred to a select committee,—Messrs. Duval, Fitzpatrick and Ferguson; were appointed that committee.

Mr. Bannerman presented the petition of James M. Harris, praying the passage of a law to authorise him to construct a mill dam across St. Marks river, which was read and referred to a select committee,—Messrs. Bannerman, Blackburn, Tradewell and McCall, were appointed that committee.

Mr. Gould from the committee on Claims, made the following report:

The committee on claims, to whom was referred the petition of Christopher H. Edwards, Sheriff of Madison county, ask leave to report that they have duly considered the case set forth by the petitioner and are of opinion that he ought to have relief.

During the session of the Legislative Council of 1837, an

act was passed, entitled, "An act to take the census of the people of this Territory on the policy and propriety of becoming a state," the second section of which required the Sheriffs of the several counties, under an extraordinary penalty with provisions of rigorous enforcement and for trifling pecuniary consideration, to take the census and enumeration thereof in triplicate and forward the same to the Treasurer of the Territory, with the views to report the same to the Legislative Council at the succeeding session.

It is stated that few of the Sheriffs complied with this law, but it is satisfactorily shown that the petitioner, Edwards, faithfully returned the census and enumeration of the county of Madison, as appears from a certified copy thereof annexed to the Petitioner's petition, by which it further appears that the number of inhabitants at that time was one thousand two hundred and forty-seven.

The act contains prohibitory clauses by which no future Legislature shall allow more than three fourth's of one cent per name for the services rendered, and making further Legislation necessary to obtain any compensation whatever, no further Legislation appears to be had and the petitioner has, of course, remained unpaid.

The county of Madison is stated to be about forty miles in its length and breadth, and its settlements sparse; consequently it would seem that the labor was considerable in taking its census and of obtaining a personal knowledge of every inhabitant far greater in fact, and the responsibility far greater than the trifling sum of three fourths of one per cent. would compensate, your committee are of opinion that the laborer is worthy of his hire and especially where public officers perform well their public functions, should we hold out to them those encouragements which are the best guarantees to a faithful execution of the laws. Had this been the case far different results would have followed by knowing under the act of 1837 the exact enumeration of the whole Territory.

A subsequent act passed in 1838: Provided also for taking the census of the Territory and made an allowance of five cents for each name, and the petitioner asks that the same may be allowed to him, considering this equitable and just, the committee herewith report a bill.

Respectfully E. B. GOULD.
Chairman Com. Claims.

Which was read and concurred in by the House.

Also, the bill entitled "an act for the relief of Christopher H.

Edwards," in the above report alluded to, was read, and ordered for the second reading on to-morrow.

Mr. Gould, from the committee on claims, made the following report:

The committee on claims to whom was referred the petition of Francis A. Ross, sheriff of Calhoun county, ask leave to report:

It appears that the petitioner claims, in the case of one Henry Stevenson, \$210 59, as follows:

To guarding Henry Stevenson, self and 7 men 1 night at \$3 each	\$24 00
Charter of sloop Morgiana to carry H. Stevenson to Pensacola	80 00
Expenses of self and guard to and from Pensacola	34 59
Guarding H. Stevenson, self and 3 men 8 days at \$3 each,	72 00
	<hr/> \$210 59

That the said petitioner also claims \$240 in the case of Thomas Lewis, Abraham Tiedeman, and George Robinson, as follows:

To 10 days and 10 nights to self acting as guard to Thomas Lewis, Abraham Tiedeman, and George Robinson each at \$3 day and night	\$60 00
10 days of 2 men guarding same	60 00
10 nights 4 men guarding the same	120 00
	<hr/> \$240 00

The whole of these two claims amount to the sum of \$450 59.

The committee are pre-disposed to be liberal in their views in behalf of all public officers, where it shall appear that services have been faithfully performed and no adequate compensation been allowed, and cases of this description may occur. It seems to be unjust to impose duties and obligations on sheriffs, when those officers have not the means provided at hand to secure themselves and their securities from those penalties which the law inflicts when breaches occur: there may therefore be some degree of justice in some part of the claim of the petitioner, but to what extent the committee are not prepared, on account of the evidence of the necessary documentary evidence, to decide.

It appears from the certificates of Edward R. Gibson, Esq., that Lewis, Tiedeman, and Stuart were committed for murder and afterwards bailed; and that Stevenson was conveyed to Pensacola at some considerable expense to the sheriff, and was in his custody for sometime previous to his making his escape. Here then is an escape; and if the sheriff of Calhoun county legally discharged himself of his prisoner, he may have a just, proper, and legal claim upon him from whose custody and keeping the prisoner made his escape. If the prisoner made his escape from the sheriff, then surely that officer should have no claim against the Territory. But it

does not appear from any vouchers that the sheriff has made any payments, though he may have incurred responsibilities on the faith of the Territory; nor does it appear that this claim has been before the proper accounting officer.

This claim, as well as the one originating in the commitment of Lewis, Tiedeman, and Robinson, appears indefinite and improper, especially in the allowances to himself and the guard of \$3 to each. The law allows mileage to the sheriff as a full compensation, and should not give him an extra allowance for what it is his duty to do.

It may be, that if the sheriff had not sufficient power of the county at his command, that he should be compensated for adopting extraordinary means to secure his prisoners; but not having the means of arriving at just conclusions, the committee have directed me to report against the prayer of the petition, and ask to be discharged.

E. B. GOULD,
Chairman.

Which was read and concurred in by the House.

Mr. Wood, from the select committee to whom was referred the petition of a committee of merchants at St. Joseph, reported a bill entitled "an act to create a body corporate, and politic, by the name of the St. Joseph Chamber of Commerce," which report was concurred in, and said bill was read and ordered for a second reading to-morrow.

Mr. Niblack, from the select committee to whom was referred the petition of Esther Sparkman, reported a bill entitled "an act for the relief of Esther Sparkman," which report was concurred in, and said bill was read, and ordered for a second reading to-morrow.

The House proceeded to the orders of the day, and resumed the consideration of the resolutions under debate at the adjournment of yesterday—pending the debate,

The Speaker announced to the House that he had received a communication signed by James D. Westcott, jr., and Thomas Baltzell Esqrs., requesting permission to appear at the bar of the House, and defend certain resolutions adopted at the late Convention at St. Joseph, in relation to the banks of this Territory.

Mr. Blount moved that those gentlemen have leave to withdraw their said communication without the same being read in the House, which motion prevailed. And the sergeant at arms is instructed to take the said communication from the House and deliver it to either of these gentlemen whom he may meet.

At 2 o'clock the House took a recess until half past 3, when they again met and resumed the debate on the aforementioned resolutions—the debate having ended,

On motion of Mr. Fitzpatrick, ordered that a select commit-

tee be appointed to wait on Col. Wm. Mooring, a member of this House, (who is sick,) at his room, and receive, and report to this House, his vote on the question of the indefinite postponement of the resolutions. Messrs. Fitzpatrick, Brett, and Priest were appointed that committee.

On motion of Mr. Blount, it is ordered, That the call of the yeas and nays be proceeded with, and that absent members have leave to record their votes during to-morrow, on the indefinite postponement of said resolutions. The yeas and nays being taken on said motion, to indefinitely postpone said resolutions, were as follows,—Yeas Messrs. Blackburn, Brett, Browne, Dozier, Gould, Jenckes, Manly, McRaney, Sumerlin, Tabor and Williams, 11.—Nays, Mr. Speaker, Messrs. Blount, Burritt, Cooley, Duval, Ferguson, Fitzpatrick, McCall, McLeod, McNeil, Mooring, Niblack, Priest, Reed, Thigpin, Tradewell and Wood, 17—so the House refused to indefinitely postpone said resolutions.

Several motions for adjournment until to-morrow were made and lost.

Mr. Blackburn moved that said resolutions be referred to a Committee of the whole House, which was lost.

Mr. Burritt moved the adoption of said preamble and resolutions. The yeas and nays being required on that motion, were yeas Mr. Speaker, Messrs. Blount, Burritt, Cooley, Dozier, Duval, Ferguson, Fitzpatrick, McCall, McLeod, McNeil, Niblack, Priest, Reed, Sumerlin, Thigpin, Tradewell and Wood, 18. Nays Messrs. Blackburn, Brett, Browne, Jenckes, Manly, Tabor and Williams, 7—so said preamble and resolutions are adopted.

On motion of Mr. Fitzpatrick, a select committee is ordered to be appointed, to wait on Col. Mooring, and take his vote on the foregoing question, to be reported to the House on to-morrow—Messrs. Fitzpatrick, Brett and Priest, were appointed thereon.

On motion of Mr. Blount, leave is given to all absent members to record their votes on the question of adopting said resolutions on to-morrow.

The House then adjourned until to-morrow at 11 o'clock.

THURSDAY, February 14th, 1839.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Fitzpatrick from the committee appointed to take, and report to the House, the vote of Wm. Mooring, who is absent from disease, on the adoption of the resolutions passed yesterday, and recorded in the journal of the preceding day, reported that Mr. Mooring voted in the affirmative.

Mr. McRaeny appeared to day and entered his vote on the adoption of said resolutions in the negative.

Mr. Bannerman appeared, and recorded his vote on the indefinite postponement of said resolutions, in the negative; and on their adoption in the affirmative, so that the votes now stand—on the motion to indefinitely postpone said resolution—yeas, 11, nays, 18; and on the motion to adopt said resolutions, yeas 20, nays, 8.

Mr. McCall pursuant to previous notice, asked and obtained leave to introduce a bill entitled “an act concerning the public bridges on the stage road, leading from Tallahassee to Quincy,” which was read, and ordered to be read again on to-morrow.

The Senate sent to this House sundry resolutions concerning delegates to the Southern Commercial Convention, which were read and ordered for to-morrow.

Also a resolution requiring the appointment of a joint committee to arrange with J. P. Duval, Esq. for the work performed by him, in preparing a compilation of the laws, which was read, and the rule being waived, put on its passage and adopted. Messrs. Fitzpatrick, Dozier and Blount were appointed.

The Senate passed and returned without amendment a bill entitled “an act to incorporate the Alachua Academy,” which is ordered to be enrolled.

Mr. Blackburn presented the petition of R. C. Hurst, and others praying a law to authorize an additional justices’ district in Jefferson County, which was read and referred to a select committee—Messrs. Blackburn, Dozier, and Sumerlin were appointed that committee.

Mr. Burritt from the Judiciary committee to whom had been referred a bill entitled “an act amendatory of the several acts now in force, relating to attachments,” reported said bill to the House, with amendments, which report was concurred in by the House, and said bill is laid on the table, and 50 printed copies ordered.

Mr. Dozier from the committee on enrollments, reported as correctly enrolled—“an act to incorporate the Trustees of the Calhoun Academy in the County of Madison.

Mr. Burritt from the Judiciary committee to whom was referred a bill entitled, “an act for the relief and benefit of the heirs of Archibald Crawford,” reported that the committee having

had the same under consideration, are of opinion, that legislation on the subject therein contained is deemed unnecessary, the case being sufficiently provided for by the 20th and 21st sections of the act of 1828 entitled “an act concerning wills, letters testamentary &c. which report was concurred in by the House.

Mr. Blackburn from the select committee to whom was referred the petition of Wilkins C. Smith, tax collector in and for the County of Jefferson, reported, that having had the same under consideration, the committee are unanimously of opinion, that the prayer of the petitioner is just and reasonable, and therefore they report a bill entitled, “an act for the relief of Wilkins C. Smith; which report was concurred in, and said bill read and ordered for a second reading to-morrow.

Mr. McCall from the select committee to whom was referred the petition of James M. Harris, reported a bill entitled “an act to enable James M. Harris to construct a dam across the St. Marks river,” which report was concurred in, and said bill read and ordered to be again read on to-morrow.

Mr. Duval from the select committee to whom was referred the petition of Christopher Fletcher, report, that from the petition and accompanying documents, the committee are of opinion the prayer of the petitioner is just, and ought to be allowed.—They therefore ask leave to report a bill entitled “an act for the relief of Christopher Fletcher,” which report was concurred in, and said bill was read, and ordered to be again read to-morrow.

A bill entitled “an act in addition to an act, relating to crimes and misdemeanors, approved Feb. 10th 1832,” was read the second time, and referred to the Judiciary committee.

A bill entitled “an act to amend the several acts incorporating the city of Tallahassee,” was read the second time and referred to a committee of the whole House; after some time the committee rose, and Mr. Manly, chairman, reported progress, and asked leave to sit again,—which report the House concurred in and said bill is laid on the table, and 50 printed copies ordered.

A bill entitled “an act in addition to the several acts now in force, relating to free persons of color,” was read the second time. The House went into committee thereon, after some time the committee rose, and Mr. McNeill, chairman therefrom, reported progress, and asked leave to sit again, which report was concurred in by the House.

A bill entitled “an act to amend an act incorporating the city of St. Joseph,” was read the second time, and on motion of Mr. Blount laid on the table.

A bill entitled “an act to fix the place of holding courts in,

and for the county of Alachua," was read the third time and passed—ordered that the title be as stated.

An engrossed bill entitled "an act for the relief of Benjamin G. Thornton," was read the third time; the yeas and nays being required on its passage, were yeas, Mr. Speaker, Messrs. Blackburn, Blount, Brett, Burritt, Cooley, Dozier, Ferguson, Jenckes, Manley, McCall, Reed, Sumerlin, Tabor, Thigpin and Trade-well, 16; nays, Messrs. Bannerman, Duval, Fitzpatrick, McLeod, McNeill, McRaeny, Niblack and Priest, 8—so said bill is passed—ordered that the title be as stated.

The report of the Bank of Jacksonville, is ordered to be referred to the committee on Banks.

Mr. Fitzpatrick heretofore offered the following resolution, to wit: Resolved that the Treasurer of the Territory be instructed to report to this House the names of all tax collectors who have neglected to pay over the taxes collected by them in the several counties, which was again read and adopted.

A bill entitled "an act in addition to an act entitled an act to suppress the issuing, or circulating of change bills and for other purposes, approved Feb. 11, 1838" was read the second time, and ordered to be engrossed for to-morrow.

A bill entitled "an act constituting a Board of Wardens, commissioners of Pilotage and commissioners of wrecks &c. for the ports of St. Augustine and Jacksonville respectively," was on motion of Mr. Jenckes laid on the table until Monday next.

A bill entitled "an act concerning appeals from Justices Courts," was read the second time, amended in the House by striking therefrom the word principal before sum in the last line of the first section, and ordered to be engrossed for to-morrow.

A preamble and resolution, asking an appropriation by Congress, for the repair of Walton Court House, was returned from the Senate, amended by striking three thousand out of the first resolution, and inserting in lieu thereof, five hundred, to which amendment of the Senate, the House on motion of Mr. McLeod do disagree, and order a notification thereof to be made to the Senate.

A bill entitled "an act for the relief of Christopher H. Edwards," was read the second time and ordered to be engrossed for to-morrow.

A bill entitled, "An act to create a body corporate and politic by the name of the St. Joseph Chamber of Commerce," was read the second time and laid on the table.

A bill entitled "an act for the relief of Esther Sparkman," was read the same time and ordered to be engrossed for to-morrow.

The House then adjourned until to-morrow at 11 o'clock.

FRIDAY, February 15th, 1839.

The House met pursuant to adjournment; a quorum being present the journal of yesterday's proceedings was read.

Mr. Fitzpatrick gave notice that he will on some future day ask leave to introduce a bill to repeal an act of the Legislative Council, passed at its last session, authorizing a convention to be held at St. Joseph.

Mr. McCall, pursuant to previous notice, asked and obtained leave to introduce a bill entitled "an act to extend the jurisdiction of justices of the peace in this Territory," which was read and ordered for a second reading on Monday.

Mr. Sumerlin, pursuant to previous notice, asked and obtained leave to introduce a bill entitled "an act to authorise the Trustees of the Calhoun Academy in the County of Madison, to rent the school lands in said county and for other purposes, which was read, and ordered for a second reading on Monday next.

Mr. Blount gave notice that he will on to-morrow ask leave to introduce a bill to be entitled, "an act supplemental to the act, to authorise the Alabama, Florida, and Georgia Rail Road Company to continue their road from the line between the state of Alabama and Territory of Florida, to the waters of the Pensacola bay, approved Feb. 9, 1835."

Mr. Gould gave notice that he will on some future day introduce a bill to be entitled "an act to provide a literary fund for the use of public schools."

Mr. Blount presented the petition of Wm. H. Jones, praying to be appointed a pilot for the bar and harbor of Pensacola,—the reading of which was dispensed with, and said petition referred to the committee on the state of the Territory.

Mr. Thigpin presented the petition of Charles W. Hines, praying for a divorce—the reading of which was dispensed with—and the same referred to a select committee. Messrs. Thigpin, Duval, and Dozier were appointed the committee.

Mr. Burritt, from the judiciary committee to whom was referred the petition of Thomas Eastin, reported a bill entitled "an act for the relief of Thomas Eastin," which report was concurred in, and said bill read, and ordered for a second reading on Monday.

Also from the same Committee to whom was referred the petition of George Walker, reported a bill entitled "an act for the relief of George Walker," which report was concurred in, the bill read, and ordered for a second reading.

Also a bill from same committee to whom the same had been referred, entitled an act in addition to an act relating to crimes and misdemeanors, approved Feb. 10, 1832, with amendments, which report was concurred in, and said bill placed among the orders for to-day.

Mr. McRaeny, from the committee on internal improvement, made the following report, to wit:

The Committee on Internal Improvement to whom was referred the petition of P. H. Swaim and others, citizens of the Town of St. Marks; and the adjacent neighborhood, having investigated the circumstances connected with said petition and weighed them with the care and deliberation due to a subject deeply involving the interests of so respectable a portion of the community as the citizens of St. Marks, by their Chairman beg leave respectfully to report,

That the Tallahassee Rail Road Company have adopted as the Southern terminous a point distant more than four miles from the Town of St. Marks, which is not nearer than half a mile to any part of said road.

That heretofore said Company have maintained on the river at the place where the road strikes it, a depot at all times accessible by boats and barges, and where produce destined for shipment were deposited by the Company, and goods for the interior received.

That the Company has declared its determination to transfer its depot and warehouses to the lower extremity of the road, which will enhance the expence, delay and trouble of communicating with the road hitherto complained of as so oppressive to the citizens.

The complaints of the petitioners are well grounded, and their case entitled to such relief as the Legislative Council have power to grant.

That the Rail Road Company have the undoubted and exclusive right of transporting goods on their own road, and establishing depots where they please. In these particulars therefore the Legislative Council can afford no relief.

But on the other hand there is no doubt of the power of the Council to incorporate the subscribers, and give them power to construct a road from St. Marks to any point on the Tallahassee Rail Road they may select, nor of the duty of the Council to protect as far as possible the interests of the great seaport of Middle Florida, from a monopoly which may break up, ruin and disperse its inhabitants and blight its future prospects.

With a view therefore of placing as far as possible the means

of self-protection in the hands of the citizens, the Committee propose the following bill.

D. McRAENY
Chairman.

Which was read and concurred in by the House.

The bill entitled an act to incorporate a company to be called the St. Marks Rail Road Company, was read the first time, laid on the table and 50 printed copies ordered.

Mr. Blackburn, from the select committee to whom had been referred the petition of sundry inhabitants of Jefferson county, made the following report: That having had the petition under consideration, they are of opinion the prayer of the petitioners is reasonable and should be granted, and therefore report a bill entitled, "An act to establish a new justices' district in the county of Jefferson, which report was concurred in, and said bill read and ordered for a second reading on Monday.

A bill entitled "An act concerning the public bridges on the stage road leading from Tallahassee to Quincy," was read the second time and ordered to be engrossed for to-morrow.

Certain resolutions sent from the Senate, on the subject of the Southern Commercial Convention, was read and referred to the Committee on the state of the Territory.

A bill entitled 'An act for the relief of Wilkins C. Smith,' was read the second time by its title, and ordered to be engrossed for a third reading.

A bill entitled "An act to enable James M. Harris to construct a dam across the St. Marks river," was read the second time. The House went into committee of the whole thereon; after some time the committee rose, and Mr. Niblack, chairman, reported said bill to the House with amendments. The yeas and nays being required on concurring with the report of the committee of the whole, were yeas, Mr. Speaker, Messrs. Blackburn, Blount, Cooley, Dozier, Jenckes, Manly, Niblack, Priest Sumerlin, Thigpin and Williams, 12—nays, Messrs. Bannerman, Burritt, Duval, Fitzpatrick, Gould, McCall, McLeod, McNeill, and McRaeny, 9—so said report was concurred in, and said bill was again read the second time, and laid on the table.

A bill entitled "an act for the relief of Christopher Fletcher," was read the second time, and ordered to be engrossed for a third reading.

An engrossed bill entitled "an act in addition to an act to suppress the issuing or circulating of change bills, and for other purposes, approved Feb. 11, 1838," was read the third time and passed; ordered that the title be as stated.

An engrossed bill entitled "an act for the relief of Christopher H. Edwards," was read the third time and passed; ordered that the title be as stated.

An engrossed bill entitled "an act concerning appeals from justices' courts," was on motion laid on the table.

An engrossed bill entitled "An act for the relief of Esther Sparkman," was read the third time and passed. Ordered that the title be as stated:

A bill entitled "An act in addition to an act, relating to crimes and misdemeanors. Approved Feb. 10th, 1832," was read the second time, laid on the table and 50 printed copies ordered.

A bill entitled "An act to establish a ferry across the Apalachicola river, at or near its junction with the bay of Apalachicola,"—was laid on the table and 50 copies ordered.

Mr. Blackburn on a former day offered the following resolutions, to wit:

Resolved, that a select committee be appointed to examine an act, entitled "an act to charter the Tallahassee and St. Marks Rail Road Company, and report whether said charter, authorises the said company, to exercise the banking privilege and to report to this House, how far the said company have violated their charter, by exercising the banking privilege; and what steps if any have been taken to check said company in the exercise of that privilege.

Resolved further, That if in the opinion of said committee, the aforesaid company, have violated their charter, that they be instructed to report a bill to repeal said charter; or a resolution requiring the district Attorney to take the most speedy steps to wind up the affairs of the said company, and save the community from its further speculations and abuses.

Which were again read. The House went into committee of the whole thereon; after some time the committee rose, and Mr. Dozier, chairman, reported that it is inexpedient to adopt said resolutions; which was concurred in by the House, and said resolutions are lost.

Mr. Bannerman moved that the House adjourn until Monday next at 12 o'clock; the yeas and nays being required on said motion were, yeas—Mr. Speaker, Messrs. Bannerman, Cooley, Dozier, Duval, Fitzpatrick, Jenckes, Manly, McCall, McLeod, McRaney, Thigpin, and Williams, 13; nays—Messrs. Blackburn, Blount, Burritt, Gould, McNeill, Niblack, Priest, Reed, and Sumerlin, 9; so the House adjourned until Monday at 12 o'clock.

MONDAY, February 18, 1839.

The House met pursuant to adjournment; there being no quorum in attendance, the House adjourned until to-morrow 12 o'clock.

TUESDAY, February 19th, 1839.

The House met pursuant to adjournment; a quorum being present, the journals of proceedings for last Friday, and yesterday were read.

On motion of Mr. Gould—ordered, that so much of the rules of this House as require notice before any bill can be introduced be suspended for the remainder of the session.

Mr. Gould asked and obtained leave to introduce a bill entitled "An act to enable the Governor to remove the Seminole and other Indians from this Territory," which was read twice (the rule being waived therefor) laid on the table and 50 printed copies ordered.

Mr. Fitzpatrick pursuant to previous notice asked and obtained leave to introduce an act to repeal an act, entitled "An act to call a convention for the purpose of organizing a state government—which was read and placed among the orders for a second reading to-morrow.

Mr. Gould pursuant to previous notice, asked and obtained leave to introduce a bill entitled "An act to provide a fund for the use of public schools," which was read, laid on the table and 50 copies ordered.

Also, asked and obtained leave to introduce the following bills, to wit:

"An act in relation to guardians," and "An act relating to last wills and testaments," which were severally read, laid on the table and 50 printed copies of each ordered.

Mr. Manly asked and obtained leave to introduce a bill entitled "An act to incorporate the Franklin land and Apalachicola lot company, which was read, laid on the table and 50 printed copies ordered.

Mr. McLeod, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled "an act to prohibit all persons from vending or carrying arms secretly in this Territory," which was twice read, the rule being waived, and referred to the judiciary committee.

Mr. Burritt moved to dispense with printing the daily jour-

nal for the remainder of the session, which motion was laid on the table.

Mr. Speaker laid before the House a communication from the Auditor of the Territory enclosing certain original accounts of Wm. G. Davis, jailor of St. Johns county, which are ordered to be referred to the select committee, who are charged with investigating his accounts.

The Senate notified this House of the indefinite postponement of a bill entitled "an act for the relief of Thomas Ross and others," which was sent for their concurrence.

A preamble and resolutions adopted by the Senate, asking a pension for Mrs. Jane Mathews, sent to this House, was read; and ordered for to-morrow.

A memorial, to the President of the United States in relation to the Seminole war, was sent by the Senate to this House, read and concurred in, and ordered to be returned to the Senate.

Mr. Duval, from the finance committee, made the following report, to wit:

The committee on finance to whom was referred the petition of John Endeman, have had the same under consideration and ask leave to report.

Your committee have fully and carefully examined the petition and other accompanying papers, in that they see your petitioner was appointed tax collector for the county of Franklin, in the year 1837. Your petitioner states, at the December term of the Superior court, judgement was prayed for by the U. S. District Attorney against him, for his failure to pay in the Territorial taxes due for the year 1837, for the county of Franklin. He further states that a part of those taxes was due by citizens of Calhoun county. It appears to your committee that the county of Calhoun was not made until some time in the year 1838. Your petitioner further states that he received in payment for taxes the sum of three hundred and eight dollars, in bills on the Commercial Bank of Florida, for which bills he asks relief; when he further states that those bills were current and the Commercial Bank in good repute, that he has failed in collecting a large amount as per un-official document presented, owing as he states to the division of Franklin county, and the county of Calhoun being made therefrom; that many of those persons who were in arrears for taxes in Franklin county for the year 1837, by the division of said county previous to the payment of these Territorial taxes, became citizens of Calhoun county. He further states that he called on these individuals of Calhoun county for the amount of their taxes due previous to the division of Franklin county, and that they alledged in justification of their non-payment, the division of said county; and therefore your petitioner prays for relief. Your committee is not satisfied that the documents presented is sufficient to enable them to recommend a bill for the relief of your

petitioner. Your committee is of the opinion that the bills collected on the Commercial Bank when solvent should have been paid over or deposited in some solvent bank; he, having refused or neglected to do either, and as a matter of course, became his own banker, as he states the bank was then solvent and in good credit. Your committee is satisfied that the Commercial Bank continued to do business till sometime in June, 1838. Your committee believes it would be contrary to all Legislative usage, improper and inexpedient, establishing a bad precedent to accept as vouchers any document that is not properly authenticated. In conclusion, your committee are of opinion that the prayer of the petitioner ought not to be granted.

A. F. DUVAL,
Chairman.

Which was read and concurred in by the House.

Mr. Thigpin, from the select committee to whom the same had been referred, made the following report, to wit:

The Select Committee to whom was referred the petition of Charles W. Hines, praying for a divorce from his wife Mary Hines, have had the same under consideration, and have come to the conclusion that the prayer of the petitioner should not be granted; under these considerations your committee beg leave to be discharged from the further consideration of the subject.

J. L. THIGPIN,
Chairman.

Which was read, and concurred in by the House.

A bill entitled "An act to extend the jurisdiction of Justices of the Peace, in this Territory"—was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill entitled "An act constituting a board of Wardens, Commissioners of pilotage, and Commissioners of Wrecks, &c. for the ports of St. Augustine and Jacksonville respectively"—was referred to committee of the whole; the House went into committee thereon—after some time the committee rose, and Mr. Duval, chairman, reported said bill to the House, with sundry amendments, which report was concurred in by the House.

A bill entitled "An act to authorise the Trustees of Calhoun Academy, in the county of Madison, to rent the school lands, in said county, and for other purposes," was read the second time, and ordered to be engrossed for a third reading.

A bill entitled "An act for the relief of Thomas Eastin,"—was read the second time, and referred to the committee of the whole. The House went into committee thereon—after some time, the committee rose, and Mr. Gould, chairman therefrom, reported said bill to the House without amendment—which report was concurred in, and said bill ordered to be engrossed for a third reading.

A bill entitled "An act for the relief of George Walker"—was read the second time, and ordered to be engrossed for a third reading.

A bill entitled "An act to set off, and establish a new Justices District, in the county of Jefferson"—was read the second time, and ordered to be engrossed for a third reading.

An engrossed bill entitled, "An act concerning the public bridges on the stage road leading from Tallahassee to Quincy" was taken from the orders and laid on the table.

An engrossed bill entitled "An act for the relief of Wilkins C. Smith," was read the third time and passed; ordered that the title be as stated.

A bill entitled "An act in addition to the several acts now in force, relating to free persons of color," was taken from the orders and laid on the table.

A bill entitled "An act for the relief of Christopher Fletcher," was read the third time and passed; ordered that the title be as stated.

A bill entitled "An act to amend the several acts now in force in relation to elections," was read the second time and referred to the committee on elections.

A bill entitled "An act amendatory to the several acts now in force, relating to attachments," was read the second time, and referred to a committee of the whole—the House went into committee thereon—after some time, the committee rose—and Mr. Manly, chairman therefrom, reported progress, and asked that the committee have leave to sit again—which report was concurred in by the House.

The House then adjourned until to-morrow at 11 o'clock.

WEDNESDAY, February 20th, 1839:

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Blackburn pursuant to previous notice, asked and obtained leave to introduce a bill entitled "An act for the government and regulation of hired laborers, which was twice read by the title, the rule being waived, and referred to the judiciary committee.

Mr. Fitzpatrick asked and obtained leave to introduce a bill entitled "An act concerning the militia of the Territory," which was read and ordered for to-morrow.

On motion of Mr. Wood—ordered, that a bill entitled "An

act amendatory to an act incorporating the city of St Joseph," and "An act incorporating a chamber of Commerce at St. Joseph," be taken from the table and placed among the orders for to-day.

Mr. Ferguson gave notice that he will on to-morrow ask leave to introduce a bill for the relief of Levi J. Bell, jailer of Gadsden county.

Mr. Gould without previous notice, asked and obtained leave to introduce a bill entitled "An act to incorporate the South Canal Company, which was twice read by the title, the rule being waived, and referred to the committee on the State of the Territory.

Mr. Fitzpatrick without previous notice asked and obtained leave to introduce a bill to be entitled "An act concerning tax collectors, assessors, and auctioneers, which was read, laid on the table, and 50 copies ordered.

Mr. Manly offered a resolution accompanied by a letter from Mr. Stockton to Maj. Mapes, which was read and laid on the table until to-morrow.

Mr. Ferguson from the committee on schools and colleges, made the following report.

The committee on schools and colleges to whom was referred a resolution instructing them to report upon the propriety of authorizing the respective counties to designate annually a number of youths of hopeful talents, with a view to their qualifications, as teachers, &c., have had the said resolution under consideration, and have instructed me to report that they can see no benefit that would result from such a system, and would therefore beg leave to be discharged from further consideration of said resolution.

J. FERGUSON, jr.

Chairman.

Which was read and concurred in.

Mr. Dozier from the committee on enrollments, reported as correctly enrolled, "An act to incorporate the Alachua Academy," which was signed by the Speaker and sent to the Senate.

Mr. Gould from the select committee to whom was referred the petition of Joseph M. Hernandez, for himself and his associates, reported as instructed by the committee, that they deem it inexpedient to grant the prayer of the petitioner, which report was concurred in by the House.

Mr. Burritt from the select committee to whom was referred the bill and exhibits in the matter of Wm. G. Davis, made the following report.

The Select Committee to whom was referred the reports of the Auditor of public accounts, touching the accounts of William G. Davis as Jailor of St. Johns County, and to whom also the bill for the

relief of William G. Davis was recommitted, have had the same under consideration, and beg leave to report, after a careful examination that they find no part of the accounts embraced by the said bill, to be included in the accounts furnished with the said reports; and that so far as they have been able to ascertain, no part of the accounts included in the said bill have ever been paid.

S. L. BURRITT,
Chairman.

Which was read, concurred in and placed among the orders for to-day.

The Senate sent to this House a bill entitled "An act regulating proceedings before justices of the peace," which was read by the title, the rule being waived, and referred to the Judiciary committee.

The Senate returned to this House with amendments a bill entitled "An act to authorise George Frederic Hamilton and Louis Schmidt to dispose of real estate and other property by lottery," which amendments were concurred in by the House, and said bill is ordered to be enrolled.

The Senate sent to this House for concurrence a bill entitled "an act to repeal an act entitled an act concerning dower," which was read, and ordered to be again read to-morrow.

The Senate returned to this House certain resolutions asking of Congress an appropriation for improving the navigation of Suwannee and St. Affee rivers, with an amendment, which was concurred in by the House, and said resolutions were ordered to be enrolled.

The Senate sent to this House for concurrence sundry resolutions to raise a committee to enquire into the affairs of the Union Bank, which were read and ordered for to-morrow.

The Senate sent to this House for concurrence a bill entitled "An act to secure the more effectual administration of justice in the Southern Judicial District," which was read and ordered for to-morrow.

The Senate sent to this House for concurrence a bill entitled "An act to incorporate St. Pauls Church in Quincy, Florida," which was twice read by the title, the rule being waived, and ordered for a third reading to-morrow.

The Senate returned to this House a resolution fixing the adjournment of the Legislative Council on the 23d of February, so amended as to strike out 23d of February, and insert 2nd of March, which amendment was concurred in by the House.

The Senate returned to the House without amendment a bill entitled "an act to divorce Martha P. Blackwell from her husband Jacob A. Blackwell," which is ordered to be enrolled.

The Senate sent to the House for their concurrence a bill entitled "an act for the appointment of weighers of cotton for the city of Tallahassee and Town of St. Marks," which was twice read, the rule being waived, and referred to the delegation of Leon county.

A bill entitled "an act to repeal an act entitled an act to call a Convention for the purpose of organizing a State Government," was read the second time and ordered to be engrossed for to-morrow.

Certain resolutions sent from the Senate for the concurrence of the House asking of Congress a pension for Jane Matthews, were again read and adopted, and ordered to be returned to the Senate.

A bill to be entitled "an act to authorise the Trustees of the Calhoun Academy in the county of Madison to rent the school lands in said county, and for other purposes," was referred to a committee of the whole House; after some time the committee rose, and Mr. McRaeny, chairman, reported said bill amended, which report was concurred in by the House, and said bill was again read the second time, and ordered to be engrossed for a third reading to-morrow.

A bill entitled "an act to extend the jurisdiction of Justices of the Peace in this Territory," was laid on the table.

An engrossed bill entitled "an act to establish a new Justice District in the county of Jefferson," was read the third time and passed—ordered that the title be as stated.

An engrossed bill entitled "an act for the relief of George Walker" was read the third time and passed—ordered that the title be as stated.

An engrossed bill entitled "an act for the relief of Thomas Eastin" was read the third time; the yeas and nays being taken on its passage were—yeas, Mr. Speaker, Messrs. Blount, Brett, Burritt, Dozier, Ferguson, Manly, McCall, Niblack, Reed, Summerlin, and Thigpin, 12—nays, Messrs. Bannerman, Browne, Cooley, Duval, Fitzpatrick, Gould, McLeod, McNeill, McRaeny, Priest, Tabor, Tradewell and Wood, 13; so said bill was lost.

An engrossed bill entitled "an act constituting a board of Wardens, Commissioners of Pilotage, and Commissioners of Wrecks, &c., for the Ports of St. Augustine and Jacksonville respectively," was read the third time and passed—ordered that the title be "an act constituting a board of Wardens, Commissioners of Pilotage, and Commissioners of Wrecks, &c., for the Ports of Jacksonville and other places therein provided for."

An engrossed bill entitled "an act to amend an act incorporating the city of St. Joseph," was read the third time and passed—ordered that the title be as stated.

A bill entitled "an act to create a body corporate and politic by the name of the St. Joseph Chamber of Commerce" was ordered to be engrossed for a third reading to-morrow.

The House went into committee of the whole on certain resolutions sent from the Senate, relative to the subject of a Southern Commercial Convention; after some time the committee rose, and Mr. Burritt, chairman therefrom, reported said resolutions amended, which report was concurred in by the House, and said resolutions are ordered for Monday next.

An engrossed bill entitled "an act for the relief of Wm. G. Davis" was read the third time and passed—ordered that the title be as stated.

The Senate returned to this House a preamble and resolutions asking an appropriation for the repair of Walton court House, and notified the House that the Senate do adhere to their amendment—which is ordered to be laid on the table.

The following nominations were sent by the Senate for the concurrence of this House, to wit: Alexander Patterson, Alden A. M. Jackson, Joseph A. Thouron, Stephen B. Mallory, Wm. H. Wall, John P. Baldwin, and Joseph B. Browne, Auctioneers; John D. Haly, Philip J. Fontaine, Charles Walker, and Stephen R. Mallory, Justices of the Peace, Asa F. Tiftal-den, A. M. Jackson, Joseph B. Browne, Notaries Public; Victor Constant and Alexander Patterson, Port Wardens in and for the county of Monroe—which are consented to and advised by the House.

Also, the nomination of Stephen J. Roche, Judge of the County Court of Washington County, which nomination the House do refuse to consent to and advise.

The House then adjourned until to-morrow at 11 o'clock.

THURSDAY, February 21st, 1839:

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

Mr. Gould moved that the petition of Joseph M. Hernandez, and others be taken from the table, and referred to the committee on the State of the Territory, which motion prevailed.

Mr. Fitzpatrick asked and obtained leave without previous notice, to introduce a bill entitled "An act concerning the in-

roduction into, and the traffic in slaves in this Territory," which was twice read; the rule being waived, and referred to the committee on the state of the Territory.

Mr. Ferguson pursuant to previous notice, asked and obtained leave to introduce a bill entitled "An act for the relief of Levi J. Bell, jailer of Gadsden county," which was twice read and referred to the committee on claims.

Also without previous notice asked and obtained leave to introduce a bill entitled "an act to repeal all former laws relating to carrying arms secretly," which was referred to the Judiciary committee.

Mr. Manly without previous notice asked and obtained leave to introduce a bill entitled "An act to amend an act incorporating the city of Apalachicola, which was read and ordered for a second reading on to-morrow.

Mr. Ferguson from the committee on Schools and Colleges, to whom was referred a bill entitled "An act to raise a fund for the education of poor children, reported the same to the House without amendment, which report was concurred in, and said bill was placed among the orders for to day.

Also, from the same committee to whom was referred certain resolutions relative to school lands, and to consider and report on the propriety of adopting measures to procure the repeal of an act of Congress, authorizing the Governor and Legislative Council to sell lands heretofore reserved for a general seminary of learning. And also upon the propriety of authorizing the Governor to employ means to obtain information, and devise the best system of common schools, to be laid before the next Council, report, That the committee have had the same under consideration; that they deem legislation on the subject unnecessary, and therefore report unfavorably, and ask to be discharged from further consideration of the subjects referred,—which was read and concurred in by the House.

Mr. Bannerman, from the committee on the state of the Territory, made the following report, to wit—

The committee on the State of the Territory to whom was referred the petition of William H. Jones, praying to be appointed a Pilot for the Bar and Harbor of the Port of Pensacola, having had the same under consideration beg leave to report, That by an act of the Legislative Council a Board of Port Wardens are authorised to be established at Pensacola, which Board has been regularly appointed by the Governor and confirmed by this body, and to it has been confided the appointment of Pilots for the Harbor and Bar of Pensacola. The committee therefore deems it inexpedient for the

Legislature to grant the prayer of the Petitioner, and ask to be discharged from the further consideration of the subject.

J. W. BANNERMAN.

Chairman Com.

Which was read and concurred in.

Mr. Burritt, from the committee on the Judiciary, to whom was referred a bill entitled "An act for the government and regulation of hired laborers," reported as instructed by the committee against the same, which report was concurred in, and the bill is lost.

Also, from the same committee to whom was referred a bill entitled "An act to prohibit all persons from carrying arms secretly, and repeal all former laws, prohibiting all persons from vending or carrying arms secretly in this Territory," reported that the committee consider the same as inexpedient, which report was concurred in by the House, and the bill is lost.

An engrossed bill from the Senate, entitled "An act to incorporate St. Pauls Church, Quincy, Florida," was read the third time and passed. Ordered that the title be as stated.

A bill entitled "An act in addition to an act relating to crimes and misdemeanors, approved February 10th 1832," was read the second time, and ordered to be engrossed for a third reading to-morrow.

Mr. Manly offered yesterday the following resolution to wit: Resolved, That the accompanying letter of Mr. Stockton to Maj. Mapes be entered on the journal of the House and that a copy thereof certified by the clerk, be transmitted to the postmaster general, to the end that the delays mentioned therein may if practicable be obviated, which was again read; the yeas and nays be required on its passage, were yeas, Messrs. Manly, Tradewell, and Williams 3; nays Mr. Speaker, Messrs. Bannerman, Blount, Brett, Browne, Burritt, Cooley, Dozier, Duval, Ferguson, Fitzpatrick, Gould, Jenckes, McCall, McLeod, McNeill, McRaeny, Niblack, Priest, Reed, Sumerlin, Thigpin and Wood 23—so said resolution is lost.

A bill from the Senate, entitled "an act to repeal an act, to amend an act concerning dower," was read the second time and referred to the judiciary committee.

A bill from the Senate entitled "an act to secure the more effectual administration of justice in the southern judicial district," was read the second time, and referred to the judiciary committee.

An engrossed bill entitled "an act to authorise the Trustees of Calhoun Academy, in the county of Madison, to rent the school lands in said county, and for other purposes," was read the third time and passed, ordered that the title be as stated.

An engrossed bill entitled, "an act to repeal an act entitled an act to call a convention for the purpose of organizing a state government, was referred to a committee of the whole House; after some time the committee rose and Mr. Dozier, chairman, reported progress, and asked leave to sit again, which report was concurred in by the House.

A bill entitled "an act to raise a fund by taxation, for the education of poor children," was read the second time, and referred to a committee of the whole House and made the special order for to-morrow.

The House then adjourned until to-morrow at 11 o'clock.

FRIDAY, February 22d, 1839.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

The following bills were taken from the table and placed among the orders for to-day.

A bill entitled "An act for the relief of Thomas Eastin," and

A bill entitled "An act to provide a fund for the use of public schools."

An act to incorporate a Company to be called the St. Marks Railroad Company," And

An act to incorporate the City of Pensacola and repeal the act entitled "An act to incorporate the City of Pensacola and improve the public roads in the neighborhood thereof, approved Feb. 15th, 1833."

Mr. Blackburn without previous notice, asked and obtained leave to introduce the following bills.

A bill entitled "An act to compel the Banks of this Territory to resume specie payments and for other purposes."

And a bill entitled "An act concerning free negroes," which were read and ordered for a second reading on to-morrow.

On motion of Mr. McCall a bill entitled "An act to authorise James M. Harris to construct a dam and lick across the St. Marks river," was taken from the table and placed among the orders.

On motion of Mr. Manly—ordered that the bill to authorize Geo. F. Baltzell to establish a ferry across the Apalachicola river be taken from the table and placed among the orders of the day.

Also, that the bill to incorporate the Franklin Land and Apalachicola Lot company, be taken from the table and read a se-

cond time by the title, and referred to the committee on Internal Improvement.

The Senate sent to the House for concurrence, a bill entitled "An act to amend an act to incorporate the city of Apalachicola" which was twice read, the rule being waived, and ordered for to-morrow.

His Excellency the Governor, transmitted to this House by his private Secretary Mr. Copeland, the following communication:

EXECUTIVE OFFICE, }
TALLAHASSEE, Feb. 21st, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN—

Since my communication of the 7th inst., in which I expressed the anxiety I then felt for the safety of the frontier settlements, my worst apprehensions have been more than realized. One house has been robbed and burnt in an adjoining county. In this, and within ten or twelve miles of the capitol, two assaults have been made at night by the savages. Their unsuspecting victims were in each instance surprised in their domestic circle, and around their own firesides, by the stealthy approach of the enemy. The first signal of danger was the presence and terrific yell of the Indians, and the first discharge of their deadly rifles hurried them into eternity, leaving a single survivor in each case covered with wounds, to relate the horrid catastrophe which severed the fondest ties of nature. In one instance the mangled bodies of the father and mother, and two lisping babes, formed one funeral pile, in the house which had been the abode of peace and happiness. On yesterday another outrage was committed. Three waggons loaded with stores of the government were captured, plundered, and destroyed, and four human beings were butchered. But, gentlemen, the dark catalogue of Indian outrage and murder is not yet complete. The enemy still hovers on our borders, and other victims will be offered on the altar of their revenge. Your country presents a melancholy, a humiliating spectacle. Your frontier is defenceless. It exhibits a wide spread scene of ruin and desolation. Your militia are without organization, and ignorant of the rules of discipline and subordination. Your officers, with a few honorable exceptions, are deficient in the enthusiasm, the energy, and military ardor, which gives grace and utility to the character of the soldier. They want that zeal, promptitude, and decision so imperiously demanded by the present crisis.—Does this assertion require proof to give it currency? I call on

you to bear witness to its truth. You have been spectators of the scene. Day after day you have seen the expressmen spurring into your capitol with the sad intelligence of another and another massacre. You have heard the orders of the Executive to call out the militia for defence—you have heard his earnest and feeling appeals to the chivalry and patriotism of his fellow-citizens, and although those appeals have not been made in vain, but have been answered by many manly and generous hearts, there are others who have no concern, no sympathy, for those exposed to danger. The daily report of murder dies on the ear, but awakens no pity in the heart. The blood which flows from slaughtered innocence calls on them for revenge, but it calls in vain. The frantic mother, presenting her helpless infant in her arms, invokes their protection; but her invocations pass with the breeze on which they are borne, leaving no trace on the memory. Gentlemen, this is no fancied picture of our condition—it is the sad, the mortifying reality. For the last six days have I laboured in vain to raise by draft, under the laws of the Territory, a company of fifty mounted men, to defend the settlements within ten miles of the capitol. Not a dozen men of that number have yet appeared, notwithstanding the repeated reiteration of my orders. A listless apathy every where prevails, and the cold ear of indifference is turned to the most earnest solicitations.

Gentlemen, it is time to awake from our slumbers, to arouse from our lethargy, and put on the armour of our defence.—The moral dignity of the Territory, no less than the safety of the people, demands it of us. It is for you to set the first example. For three years have I proclaimed the deficiency of your military system; for three years have I invoked your aid for its correction, but no alteration, no improvement has been made. So little attention has been paid to military duty that, with the exception, the single and honorable exception of the county of Gadsden, there is not a well organized regiment of militia west of the Suwannee. In the county of Leon, at the threshold of the Capitol, there is scarcely a single field officer in commission. Numerous other offices are vacant. Under the present system an election for field officers cannot be held until after 20 days previous notice of the time and place. And ten days notice must be given of the elections to fill all other vacancies. Without officers drafts cannot be held, and while the enemy is plundering almost within your view, we must await the slow progress of time, and the compliance with empty formalities and ceremonies before we can ever prepare for defence. I fear, gentlemen, I cannot impress on you my own deep and

earnest feelings on this all-absorbing question. I fear I cannot make you comprehend my view of the importance of a well-organized militia system. The great apostle of our liberty regarded it as the bulwark of our national safety—it is even more—it is the palladium of our domestic security. Look I entreat you, at your geographical position; look at the latitude in which you live; look at the long protracted struggle with the Seminoles; think of the danger of its example, and the horrors it may yet produce. Think of the lurking insidious abolitionist and remember the smoking ruins, and the bloody fields of St. Domingo. I pretend not to prophecy; I am no soothsayer, to foretell the approach of evil; but I warn you against the sloth, the apathy, the heedless negligence and the consequent insecurity which every where prevails. Without your aid the Executive arm is powerless. Your militia must be organized. They must be instructed in discipline and subordination; they must be prepared for action and ready for all emergencies. Your bleeding constituents call on you for protection—in their name I invoke your aid. I call on you to exercise every moral, physical, and intellectual faculty to save your country from ruin and humility.

Your fellow citizen,

R. K. CALL,
Governor of Florida.

Which was read and 500 copies ordered to be printed.

Mr. Thigpin presented a petition of William G. Buford praying a change of the public road leading through his plantation, which was read and referred to the Committee on the State of the Territory.

Mr. Blount offered a resolution amending the 39th rule of this House, which was read and laid on the table till to-morrow.

Mr. Dozier from the Committee on Enrollments reported as correctly enrolled, the following bills to wit;

“An act to authorize George Frederick Hamilton and Lewis Schmidt to dispose of real estate and other property by lottery.”

“An act to divorce Martha P. Blackwell from her husband Jacob A. Blackwell.”

“A preamble and resolution requesting of Congress an appropriation of thirty thousand dollars for the purpose of improving the navigation of the Suwannee and Santa Fe rivers.”

“An act further to amend an act to incorporate the Lafayette Salt Company at Key West, approved Nov. 12th, 1829.”

“Also a resolution fixing a day for the final adjournment of the Senate and House of Representatives.”

Which were signed by the Speaker and sent to the Senate.

Mr. Bannerman from the Committee on the State of the Ter-

ritory, to whom was referred a bill entitled “An act concerning the introduction into, and to traffic in Slaves in this Territory” reported the same without amendment, which was concurred in by the House.

Also from the same Committee, to whom was referred a bill entitled “An act to incorporate the South Canal Company, together with the accompanying petition, reported unfavorably was asked to be discharged from the further consideration of the subject, which report the House refused to concur in, and said bill is ordered to be placed among the orders for to-morrow.

Mr. McRaeny from the Committee on Internal Improvements, to whom was referred a bill to authorize the Brunswick and Florida Rail Road Company to extend their improvements into the Territory of Florida, reported the same without amendment, which report was concurred in, and 50 copies ordered to be printed.

Mr. Burritt from the Judiciary Committee, to whom was referred a bill to be entitled “An act regulating Judicial proceedings before Justices of the peace, reported said bill with amendments, which report was concurred in.

Also from the same committee, to whom was referred a bill entitled “an act to repeal all laws relative to carrying arms secretly,” reported said bill without amendments, which report was concurred in by the House.

Mr. Duval from the select committee to whom was referred a bill entitled “an act to provide for the appointment of weighers of cotton for the city of Tallahassee and town of St. Marks,” reported said bill without amendment, which report was concurred in.

Mr. Blackburn from the select committee, to whom the same had been referred made the following report:

The committee to whom was referred the petition of sundry citizens of Leon County, have had the same under consideration and are of the opinion that the petition is just and reasonable; and that this Legislature should grant them their request: your committee are well aware that the people in the southern part of Leon County will be opposed to a separation from your petitioners. We have weighed well all the arguments both for and against a separation, and find the argument decidedly in favour of a separation. The scope of country which we propose to embrace within the limits of the new county, is one of the richest and most populous in the Territory, and will at this time number as many inhabitants as Jefferson County. We cannot see any injury which can possibly result to the people of Leon who are not embraced in the new county. It is true that a separation will curtail the fees of a few officers in Tallahas-

sec. It will curtail the profits of the Hotels in Tallahassee, at certain seasons of the year; this is all the injury which can possibly result to the people of Leon from a separation; wherefore they beg leave to report a bill.

Which was read, and concurred in by the House.

The bill therein referred to in the title, an act to organize the county of _____ and for other purposes, was read and ordered for a second reading to-morrow.

Mr. Tradewell moved that said bill be indefinitely postponed; the yeas and nays being required on said motion, were yeas, Messrs. Blount, McNeill, McRaeny, Niblack, Tradewell, and Wood, 6,—nays, Mr. Speaker, Messrs. Bannerman, Blackburn Brett, Burritt, Cooley, Dozier, Duval, Ferguson, Fitzpatrick, Gould, Manly, McCall, McLeod, Priest, Reed, Tabor, and Thigpin, 18; so said motion is lost.

The House went into committee of the whole on a bill entitled "An act to raise a fund by taxation for the education of poor children, after some time the committee rose, and Mr. McNeill, chairman therefrom, reported said bill without amendment, which report was concurred in, and said bill is ordered to be engrossed for to-morrow.

A bill entitled "An act concerning the militia of this Territory," was read the second time and ordered to be engrossed for to-morrow.

A bill entitled "An act to amend an act incorporating the city of Apalachicola," was read the second time and laid on the table till to-morrow.

A bill entitled "An act in addition to an act relating to crimes and misdemeanors, approved Feb. 10, 1832, was referred to a committee of the whole; after some time the committee rose, and Mr. Blackburn chairman, reported the same to the House amended, which report was concurred in.

Mr. Duval moved to postpone said bill indefinitely, the yeas and nays being required thereon, were yeas, Messrs. Brett, Dozier, Duval and McRaeny, 4; nays Mr. Speaker, Messrs. Bannerman, Blackburn, Blount, Burritt, Cooley, Ferguson, Fitzpatrick, Gould, McCall, McLeod, McNeill, Niblack, Priest, Reed Sumerlin, Tabor, Thigpin and Tradewell, 19; so said motion is lost, and said bill again read and ordered to be engrossed for to-morrow.

A bill entitled "An act to provide a fund for the use of public schools," was again read and ordered to be engrossed for to-morrow.

A bill entitled "An act to incorporate a company to be called

scribers to the Union Bank of Florida," which was twice read by the title, the rule being waived, and referred to the committee on banks.

Also, a bill entitled "an act to authorise the county court of Franklin county to levy a tax for the building a jail in said county," which was twice read by the title, the rule being waived, and referred to the committee on the state of the Territory.

Also, a resolution authorising the Governor "to raise a sum of money on loan for certain purposes," which was read and ordered for to-morrow.

Also a bill entitled "An act concerning executions" which was read, the rule being waived, and referred to the Judiciary committee.

Also a bill entitled "an act for the relief of Dr. Richard Weightman," which was read, and ordered for a second reading to-morrow.

Also, a bill entitled "an act to amend an act entitled an act to incorporate the St. Andrews and Chipola Canal Company," which was twice read, the rule being waived, and referred to the committee on the state of the Territory.

Also, a bill entitled "an act authorising the Governor to raise troops for the defence of the frontier, and other purposes," which was twice read, the rule being waived, and referred to a committee of the whole House, and 50 printed copies ordered.

The Senate returned to this House, with their concurrence, and without amendment, the following bills, to wit:

"An act for the relief of Esther Sparkman," and

"An act to fix the place of holding Courts in and for the county of Alachua."

Which are ordered to be enrolled.

The House again resolved themselves into a committee of the whole on a bill entitled "an act to enable James M. Harris to construct a dam across St. Marks river;" after some time the committee rose, and Mr. Tabor, chairman, reported said bill with amendments, which report was concurred in by the House, and said bill was again read the second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Fitzpatrick moved that the House do now adjourn until Monday next at 12 o'clock; the yeas and nays being taken on said motion were, yeas—Messrs. Bannerman, Brett, Fitzpatrick, McCall, McRaeny and Tradewell, 6; nays—Mr. Speaker, Messrs. Blackburn, Blount, Burritt, Cooley, Dozier, Ferguson, McLeod, McNeill, Niblack, Priest, Reed, Sumerlin, Tabor and Thigpin, 15—so said motion is lost.

The House then adjourned until to-morrow at 11 o'clock.

SATURDAY, February 23, 1839.

The House met pursuant to adjournment; a quorum being present the journal of yesterday's proceedings was read.

Mr. Wood pursuant to previous notice, asked and obtained leave to introduce a bill entitled "An act to amend the several acts to incorporate the Lake Wimico and St. Joseph Canal and Rail Road Company," which was twice read by the title, the rule being waived, and referred to the committee on the state of the Territory.

Mr. Ferguson without previous notice asked and obtained leave to introduce a bill entitled "An act for the relief of John Withers," which was twice read, the rule being waived, and referred to a select committee—Messrs. Ferguson, McCall, and Bannerman, were appointed that committee.

On motion of Mr. Blackburn, the following bills were taken from the table and placed among the orders of the day.

A bill entitled "An act to authorise the Governor to locate one quarter section of land, &c."

And a bill entitled "An act relating to last wills and testaments."

Mr. Blackburn moved that the vote of concurrence by the House on yesterday on the unfavorable report of the Judiciary committee, on a bill entitled "An act for the government and regulation of hired laborers," whereby said bill was lost, be reconsidered, which motion prevailed and said bill and report are placed among the orders for to-day.

The Senate sent to this House for concurrence a bill to be entitled "An act to provide for the appointment of pilots and to regulate the rules of pilotage at Tampa Bay, which was read, and ordered to be read again on Monday next.

Also, "An act to increase the number of members of the Senate, and to apportion the additional members throughout the Territory," which was twice read, the rule being waived, and made special order for committee of the whole on Tuesday next and 50 copies ordered to be printed for the use of the House.

The Senate returned to this House indefinitely postponed, a bill entitled "An act in addition to an act, entitled an act to suppress the issuing or circulating of change bills and for other purposes, approved Feb. 11, 1835," and said bill is lost.

The Senate sent to this House for concurrence, a bill entitled "An act to raise by lottery a sum of money to build a masonic Hall in the city of Tallahassee and for other purposes, which was twice read by the title, the rule being for that purpose waived, and referred to the committee on the state of the Territory.

Also a bill entitled "An act to incorporate the Trustees of the Presbyterian church in Tallahassee, which was twice read, the rule being waived and referred to the committee on the state of the Territory.

A resolution sent from the Senate for the concurrence of the House asking Congress to pay to John P. Duval, Esq. the sum of \$2000 as a compensation for his labors in compiling the laws of this Territory, out of any money appropriated by Congress for that purpose, which was read and ordered to be read again on Monday next.

Mr. Ferguson without previous notice asked and obtained leave to introduce a bill entitled "An act to alter and fix the terms of the Superior Court of the Apalachicola District which was twice read, the rule being waived and referred to the Judiciary committee.

Also a bill entitled "An act to alter and change the terms of the Superior Courts in the Middle District of Florida, which was twice read, the rule being for that purpose waived and referred to the Judiciary committee.

Mr. Blount pursuant to previous notice asked and obtained leave to introduce a bill to be entitled "An act supplemental to the act entitled an act to authorise the Alabama, Florida and Georgia Rail Road company to continue their Road from the line between the State of Alabama and Territory of Florida, to the waters of Pensacola Bay," which was twice read, the rule being waived, and referred to the committee on the state of the Territory.

Mr. Dozier from the committee on Enrollments reported as correctly enrolled to wit:

An act for the relief of Esther Sparkman, and "an act to fix the place of holding courts in and for Alachua county."

Mr. Bannerman from the committee on the state of the Territory to whom was referred a Senate bill entitled "An act to authorise the county Court of Franklin County, to levy a tax for the building a jail in said county, reported said bill favorably and without amendment, which report was concurred in by the House.

Also from the same committee to whom was referred a Senate bill entitled "An act to amend an act entitled an act to incorporate the Chipola and St. Andrews canal company," reported said bill without amendment, which report was concurred in by the House.

Also, from the same committee to whom was referred the petition of Wm. G. Bufort, reported, that the committee believed the county court was fully authorized to grant the prayer of the

petitioner, and that legislation on the subject is inexpedient, and ask to be discharged from its further consideration, which report was concurred in by the House.

Mr. Blackburn from the committee on Elections to whom was referred a bill entitled "An act to amend the several acts now in force in relation to elections, reported the same with amendments, which report was concurred in, and said bill placed among the orders for Monday next.

Mr. Burritt from the Judiciary committee, to whom was referred a bill entitled "An act to repeal an act entitled an act to amend an act concerning dower, reported said bill without amendment, which report was concurred in by the House, and said bill placed among the orders for Monday next.

Also from the same committee to whom was referred a bill entitled "An act concerning executions, reported said bill amended, which report was concurred in by the House, and said bill placed among the orders for Monday next.

Also from the same committee, to whom was referred the petition of John Rodman, Esq. and sundry bills reported that they have had the same under consideration, and deem the said bills inexpedient, which report was concurred in by the House.

The House resolved itself into a committee of the whole on a bill entitled "An act to provide a fund for the use of public schools which was the special order of the day; after sometime spent therein the committee rose, and Mr. Blount chairman therefrom, reported said bill amended; which report was concurred in and said bill was placed among the orders of the day for Monday, for a second reading.

The House went into committee of the whole on a bill entitled "An act in relation to duties of guardians, and for other purposes," after some time the committee rose, Mr. Blount being chairman therefrom reported progress and asked leave to sit again, which report was concurred in by the House.

Mr. Niblack moved that the House do now adjourn until Monday next at 12 o'clock, the yeas and nays being required on said motion, were yeas Mr. Speaker, Messrs. Dozier, Jenckes, McRaeny, Niblack, and Sumerlin, 6,—nays, Messrs. Bannerman, Blackburn, Blount, Brett, Burritt, Cooley, Ferguson, Gould, Manly, McCall, McLeod, McNeill, Priest, Reed and Thigpin, 15; so said motion is lost.

The House resolved itself into a committee of the whole on a bill entitled "An act to establish a ferry across the Apalachicola river, at or near its junction with the bay of Apalachicola, after sometime spent therein, the committee rose, and Mr. Thigpin, chairman therefrom, reported said bill amended,

—Which report was concurred in by the House, and said bill was read the second time, and ordered to be engrossed for a third reading.

A bill entitled "An act to compel the Banks of this Territory to resume specie payments and for other purposes," was read the second time and referred to the committee on Banks.

A bill entitled "An act in addition to an act entitled an act to prevent the future migration of free negroes and mulattoes to this Territory, and for other purposes, approved February 10th, 1832," was read the second time and referred to the committee on the state of the Territory.

A Senate bill entitled "An act to amend an act to incorporate the city of Apalachicola," was referred to the committee on elections.

Mr. Blount on yesterday offered the following resolution to wit:

Resolved, That the 39th rule be so amended as to allow the introduction of bills to Monday next, inclusive; which was read and adopted.

The House then adjourned until Monday next at 12 o'clock.

MONDAY, February 25th, 1839.

The House met pursuant to adjournment; a quorum being present the journal of last Saturday's proceedings was read.

Mr. Burritt without previous notice, asked and obtained leave to introduce a bill, entitled "An act concerning conveyances; which was twice read, the rule being waived, and ordered for a third reading to-morrow.

Mr. Browne, without previous notice asked and obtained leave to introduce the following bills entitled, "An act for the relief of John J. Sands, and "An act for the relief of L. F. Breaker," which were severally twice read, the rule being waived, and referred to the committee on claims.

Mr. Ferguson without previous notice asked and obtained leave to introduce a bill entitled, "An act to prescribe the mode of sales by Sheriffs and Constables," which was twice read, the rule being waived, and ordered to be engrossed for to-morrow.

Mr. Manly, without previous notice, asked and obtained leave to introduce a bill entitled "An act to incorporate the

Bank of Apalachicola," which was twice read, the rule being waived and referred to the committee on banks.

Mr. Ferguson, moved that a resolution to dispense with the daily printing of the journal, heretofore offered by Mr. Burritt, be taken from the table, and placed among the orders for to day, which motion was carried.

Mr. Wood offered resolutions asking additional representation for Calhoun County, which were read, and placed among the orders for to-morrow.

Mr. Ferguson from the committee on schools and colleges, made the following report to wit:

The committee on Schools and Colleges, to whom was referred the resolution offered by Mr. Brett relative to wastes on sixteenth sections in this Territory, have had the same under consideration and instructed me to report that legislation upon the subject is unnecessary and ask to be discharged from further consideration of the subject.

J. FERGUSON, Jr.

Chairman.

Which was read, and concurred in by the House.

Also from a select committee to whom was referred a bill entitled, "An act for the relief of John Withers" reported the same without amendment, which report was concurred in by the House.

Mr. Gould, from a select committee to whom was referred the subject of inquiring into the propriety of establishing a commission to receive claims for losses occasioned by the Seminole war, made the following report to wit:

The select committee to whom was referred, on a former day a resolution instructing said committee to inquire into the propriety of establishing a commission to receive claims for losses sustained by the Indians, &c. ask leave to report,

That they duly estimate the importance of the subjects embraced in the resolution, and the advantages that would arise from a speedy action in behalf of our suffering fellow citizens, most of whom, particularly in the peninsular section of Florida, have been reduced from competence to a state of dependence and poverty.

It is right that the United States should make good these losses, and it seems to be correct in principle, that if after all the reasonable hopes of the claimants should fail, they should look to the Territorial government to advocate and support their rights by recommending the proper legislative measures.

The committee have noticed with great satisfaction, from the journals of Congress, that the subject to which the resolution re-

lates is now before that body, and that they are induced to believe from this circumstance, that a suspension of the action of the Legislative Council would be expedient at this time.

Therefore the committee ask leave to be discharged.

Respectfully submitted,

E. B. GOULD,

Chairman.

Which was read and concurred in by the House.

A bill entitled "An act to amend an act incorporating the City of Apalachicola" was referred to the committee on elections.

The Senate sent for concurrence a resolution authorising the Governor to borrow \$5000, to be disbursed in comfort, security and protection, to surviving members of frontier families, which was again read; the yeas and nays being taken on its passage, were yeas Messrs. Dozier, Ferguson, McNeill, Niblack, Priest Reed, Sumerlin, Thigpin, and Wood 9; nays Mr. Speaker, Messrs. Brett, Browne, Burritt, Cooley, Duval, Fitzpatrick, Gould, Jenckes, Manly, McCall, McLeod, McRaeny, and Tabor 14; so said resolution is lost.

A Senate bill entitled "An act for the relief of Dr. Richard Weightman," was read the second time, and ordered for a third reading to-morrow.

A bill entitled "An act to organize the county of and for other purposes," was laid on the table until to-morrow.

An engrossed bill entitled "An act to incorporate a company to be called the St. Marks Rail Road Company," was made the special order for to-morrow.

A bill entitled "An act concerning the militia of this Territory," was referred to the committee of the whole House; after some time the committee rose, and Mr. Dozier, chairman therefrom, reported said bill with the enacting clause stricken out, which report was concurred in by the House, and said bill is lost.

A bill entitled "An act to raise a fund by taxation for the education of poor children," was read the third time, the yeas and nays being required on its passage, were yeas, Mr. Speaker, Messrs. Blount, Brett, Browne, Burritt, Cooley, Dozier, Gould, Jenckes, Manly, McCall, McLeod, McNeill, McRaeny, Niblack, Priest, Reed, Sumerlin, Thigpin, and Williams, 20; nays, Messrs. Duval, Ferguson, Fitzpatrick, and Tabor, 4; so said bill is passed—ordered that the title be as stated.

An engrossed bill entitled "An act to authorise James M. Harris to build a dam and lock across the St. Marks river, was read the third time and passed—ordered that the title be as stated.

An engrossed bill entitled "An act relating to crimes and mis-

demeanors approved Feb. 10, 1832," was read the third time; the yeas and nays being required thereon, were yeas, Mr. Speaker, Messrs. Blount, Browne, Burritt, Cooley, Ferguson, Fitzpatrick, Gould, Jenckes, McNeill, Niblack, Priest, Reed, and Wood, 14; nays, Messrs. Brett, Dozier, Duval, Manly, McCall, McLeod, McRaeny, Sumerlin, Tabor, Thigpin, and Williams 11; so said bill is passed—ordered that the title be as stated.

Mr. Ferguson moved that the absent members have leave, on to-morrow, to record their votes on the passage of the last preceding bill; the yeas and nays being taken thereon, were, yeas—Mr. Speaker, Messrs. Brett, Browne, Dozier, Duval, Jenckes, Manly, McCall, McLeod, McRaeny, Thigpin, and Williams, 12; nays—Messrs. Blount, Burritt, Cooley, Ferguson, Fitzpatrick, Gould, McNeill, Niblack, Priest, Reed, Sumerlin, and Wood, 12; so said motion is lost.

An engrossed bill entitled "An act to incorporate the city of Pensacola, and repeal the act entitled an act to incorporate the city of Pensacola and improve the public roads in the neighborhood thereof, approved Feby. 15th, 1833," was read the third time and passed; ordered that the title be "An act to incorporate the city of Pensacola."

The House went into committee of the whole on a bill entitled "An act relating to last wills and testaments;" after some time the committee rose, and Mr. Niblack, chairman, reported that the committee ask to be discharged from the consideration of said bill, which report was concurred in by the House, and said bill was on motion of Mr. Gould laid on the table.

The House, in committee of the whole, took under consideration a bill from the Senate, entitled "An act regulating proceedings before Justices of the Peace;" after sometime the committee rose, and Mr. Ferguson, chairman therefrom, reported progress, and asked that the committee have leave to sit again, which report the House concurred in.

A bill entitled "An act concerning the introduction into, and traffic in slaves in this Territory," was ordered to be engrossed for a third reading to-morrow.

The Senate sent to this House for concurrence, certain resolutions to raise a joint committee, to inquire into the condition of the Union Bank, which were again read. Mr. Ferguson moved that said resolutions be indefinitely postponed; the yeas and nays being taken thereon, were, yeas—Mr. Speaker, Messrs. Blount, Brett, Browne, Duval, Ferguson, Fitzpatrick, Gould, Jenckes, Manly, McCall, McLeod, McNeill, Niblack, Priest, Reed, Sumerlin, Tabor, and Wood, 19; nays—Messrs.

Burritt, Cooley, Dozier, and Thigpin, 4; so said resolutions are indefinitely postponed.

An engrossed bill entitled "An act to repeal an act entitled an act to call a Convention for the purpose of organizing a State Government," was referred to a committee of the whole House; after sometime the committee rose, and Mr. Dozier, Chairman, reported said bill to the House without amendment. The yeas and nays being required on concurring with the report of the committee, were, yeas—Mr. Speaker, Messrs. Blount, Burritt, Cooley, Dozier, Duval, Ferguson, Fitzpatrick, McLeod, McNeill, McRaeny, Niblack, Priest, Reed, Sumerlin, Thigpin, and Wood, 17; nays—Messrs. Brett, Browne, Gould, Jenckes, Manly, McCall, and Tabor, 7; so said report was concurred in, and the bill was read the third time; the yeas and nays being required on its passage, were, yeas—Mr. Speaker, Messrs. Blount, Burritt, Cooley, Dozier, Duval, Ferguson, Fitzpatrick, McLeod, McNeill, McRaeny, Niblack, Priest, Reed, Sumerlin, Thigpin, and Wood, 17; nays—Messrs. Brett, Browne, Gould, Jenckes, Manly, McCall, and Tabor, 7; so said bill is passed; ordered that the title be as stated.

A bill from the Senate, entitled "An act to provide for the appointment of pilots, and to regulate the rates of pilotage at Tampa Bay," was, on motion of Mr. Burritt, indefinitely postponed.

A bill from the Senate entitled "An act to authorize the county court of Franklin county to levy a tax for the building of a jail in said county," was read the third time and passed; ordered that the title be as stated.

A bill entitled "An act to amend the several acts now in force, in relation to elections," was ordered to be engrossed for to-morrow.

A bill from the Senate entitled "An act to amend an act entitled an act to incorporate the subscribers to the Union Bank of Florida," was read the third time; the yeas and nays being required on its passage, were, yeas—Mr. Speaker, Messrs. Blount, Burritt, Cooley, Dozier, Ferguson, Fitzpatrick, Gould, Jenckes, Manly, McCall, Niblack, Priest, Reed, Sumerlin, and Wood, 16; nays—Messrs. Brett, Browne, Duval, McLeod, McNeill, McRaeny, Tabor, Thigpin, and Williams, 9; so said bill is passed; ordered that the title be as stated.

A bill from the Senate entitled "An act to repeal an act, entitled an act to amend an act concerning dower" was postponed till to-morrow, and 50 printed copies are ordered.

A bill from the Senate entitled "An act concerning Executions" was laid on the table, and 50 printed copies are ordered.

A bill entitled "An act to provide a fund for the use of public Schools," was ordered to be engrossed for to-morrow.

A bill entitled "An act in relation to the duties of guardians, and for other purposes," was on motion of Mr. Gould laid on the table.

An engrossed bill entitled "An act to establish a ferry across the Apalachicola River, at or near its junction with the Bay of Apalachicola," was read the third time, and passed—ordered that the title be as stated.

A bill from the Senate entitled "An act to provide for the appointment of weighers of cotton for the City of Tallahassee, and Town of St. Marks," was read the third time; the yeas and nays being required on its passage, were yeas—Messrs. Blount, Brett, Burritt, Cooley, Dozier, Duval, Ferguson, Gould, Jenckes, McCail, McLeod, McRaeny, Niblack, Priest, Reed, Sumerlin, Tabor, Thigpin, and Williams, 19; nays Mr. Speaker, Messrs. Fitzpatrick, McNeill, and Wood 4; so said bill is passed—ordered that the title be as stated.

A bill entitled "An act to repeal all laws relative to carrying arms secretly," was ordered to be engrossed for a third reading to-morrow.

The Senate sent to this House for concurrence certain resolutions concerning a Southern Commercial Convention at Charleston on the third Monday in April next, which were again read, and as amended adopted, which is ordered to be certified to the Senate.

Mr. Burritt on a former day offered the following resolution to wit, "Resolved that the chief clerk be authorised to cause the printing, and furnishing of the daily journals of the House of Representatives to the members thereof, to be dispensed with during the remainder of the session," which was again read; the yeas and nays being required on its passage, were yeas Messrs. Blount, Brett, Burritt, Cooley, Duval, Ferguson, Fitzpatrick, McLeod, Niblack, Priest, Reed, Tabor, and Wood, 13; nays Mr. Speaker, Messrs. Dozier, Gould, Jenckes, Manly, McCail, McNeill, McRaeny, Sumerlin, Thigpin, and Williams 11, so said resolution was adopted.

The Senate sent to the House the following nominations to wit:

The Senate have confirmed the following nominations of his Excellency the Governor viz: Augustus Steel Judge of the County Court; Manuel Olivelea Notary Public, Robert Jackson and Angus Ball, Auctioneers in and for the County of Hillsborough.

Wm. M. Reed Judge of the County Court in and for the county of Hamilton.

Daniel D. Sturges, James B. Edwards, Y. G. Wheeler Justices of the Peace in and for the County of Jefferson.

Henry L. Rutgers Notary Public in and for the County of Leon.
Att. J. S. ROBINSON
Sect. of Senate.

Which were read with open doors, (the rule being waived) and the House consented to, and advised said nominations.

Mr. Blount moved, the rule being waived, that the following bills heretofore passed, with a view to obviate difficulties in the mind of the Executive to wit:

A bill entitled "An act to amend an act entitled an act to establish the county site of Hamilton County, and to repeal an act to make permanent the county site of Hamilton County passed 15th January 1836, passed 23rd of January 1838," which motion prevailed, and said bill was amended in the first section by striking therefrom the word *February*, and inserting instead thereof the word *March*, when said bill was again read by the title and passed—ordered that the title be, an act concerning the county site of Hamilton County.

Also the title to the following to wit: "An act further to amend an act to incorporate the Lafayette salt company at Key West, approved 21st November 1829, ordered that the title be, an act supplemental to the acts incorporating the Lafayette salt company at Key West."

The House then adjourned until to-morrow at 10 o'clock.

TUESDAY, February 26th, 1839.

The House met pursuant to adjournment; a quorum being present the journal of yesterday's proceedings was read.

The following bills were on motion taken from the table and placed among the orders for to-day, to wit:

An act to authorize the Governor of Florida to raise troops for the defence of the frontier and for other purposes; and

An act for the relief of John Withers.

Mr. McLeod introduced a preamble and resolutions asking for the establishment of a Post Office at Eucheeanna, and an appropriation for the repair of the road from Marianna to La-grange, which was read and laid on the table till to-morrow.

Mr. Burritt, from the committee on the Judiciary to whom was referred a bill entitled an act to secure the more effectual administration of justice in the Southern Judicial District, with the documents accompanying the same, reported that the committee have had said bill under consideration, and have instruc-

ted their Chairman to report it without amendment; which report was read and concurred in by the House.

Also from the same committee to whom was referred a bill to be entitled an act to alter and fix the terms of the Superior Courts in the Middle District of Florida, reported said bill with amendment, which was concurred in by the House.

Also from the same committee to whom was referred a bill entitled an act to alter and fix the terms of the Superior Courts in the Apalachicola District, reported said bill with amendments, which was concurred in by the House and said bill placed among the orders for to-day.

Mr. Gould, from the committee on claims to whom was referred a bill for the relief of Levi J. Bell, Jailer of Gadsden county, made the following report:

The committee of claims report unfavorably on the claim of L. J. Bell, who represents himself to be the Jailer of Gadsden county. The amount is \$87 62 1-2. It appears to the committee that \$45 37 1-2 would be passed by the Auditor were it authenticated by the proper certifying officers. There is no evidence of the correctness of the claim, but the certificate of the Judge of Gadsden county, who says that the account is just and correct. There is no evidence that the proper certificates cannot be procured; neither does it appear that the claim has ever been before the Auditor.

The balance of the claim amounting to \$42 25, is for medical attendance, nursing and the funeral expenses of the prisoner named, Jesse Goodman. These expenses are not recognized by any existing laws. They are justly chargeable against the estate of the deceased, and do not form any part of the costs in the case. It might be expedient to make some provision on the subject; and should this be considered necessary or proper, in every instance, it should be shown that the estate of the deceased was insufficient.

The committee ask leave to be discharged.

E. B. GOULD,

Chairman.

Which was read; on motion of Mr. Ferguson the House refused to concur therein, and said bill is placed among the orders for to-day.

Also from the same committee to whom was referred a bill for the relief of John I. Sands, reported unfavorably and asked to be discharged, which was concurred in by the House, and the bill is lost.

Also from the same committee to whom was referred a bill

entitled an act for the relief of L. F. Breaker, made the following report, to wit:

The committee of claims have under consideration the claim of L. F. Breaker.

An account is exhibited amounting to \$162, of Thomas Eastin, Marshal, for summoning witnesses. 65 4-100 appears to have been allowed and paid: the balance of course was disallowed; and the documents do not show what were the items. The whole account is considered not sufficiently authenticated, and there is nothing to show that L. F. Breaker has any interest in it.

The next account is for \$43 37 1-2 for the services of L. F. Breaker, as a Justice of the Peace, in twelve assault and battery cases, one murder, one case for aiding prisoner to escape, one case of vagrancy.

The account is certified in no way whatsoever, except by the magistrate, nor is it shown what became of the prisoners. The cases of assault and battery form no charge against the Territory. The prosecutor is responsible if he fail to prosecute, and the defendant if he is guilty.

The committee ask leave to be discharged.

E. B. GOULD,

Chairman.

Which was read, and on motion of Mr. Browne the House refused to concur in said report, and said bill is placed among the orders.

Mr. Bannerman, from the committee on the state of the Territory, to whom was referred the following bills, to wit:

A bill entitled "an act to incorporate the Lake Wimico and St. Joseph Canal and Rail Road Company."

Also an act to incorporate the Presbyterian Church in Tallahassee.

Also an act to raise by lottery a sum of money to build a Masonic Hall in Tallahassee, and for other purposes, reported said bills severally without amendment, which report was concurred in by the House.

Also from the same committee to whom was referred a bill entitled "an act in addition to an act entitled an act to prevent the future migration of free negroes and mulattoes to this Territory, and for other purposes, approved Feb. 10th, 1832," reported said bill favorably and without amendment, which report was concurred in by the House.

Mr. Wood, from the committee on banks to whom was referred the following bills, to wit:

An act to compel the banks of this Territory to resume specie payments, and for other purposes; and

A bill entitled "an act to incorporate the bank of Apalachicola," reported said bills severally without amendment, which reports were concurred in by the House.

A bill entitled "an act to authorize the Governor to locate one quarter section of land, &c.," was referred to the committee on the state of the Territory.

A bill entitled "an act to amend an act entitled an act to incorporate the St. Andrews and Chipola Canal Company," was ordered to be placed among the orders for Thursday next, and fifty printed copies are ordered.

A bill entitled "an act concerning conveyances," was on motion of Mr. Burritt laid on the table.

Certain resolutions offered by Mr. Wood, asking additional representation for Calhoun county, were referred to a committee of the whole House; the House went into committee thereon; after sometime the committee rose, and Mr. Tradewell, chairman therefrom, reported said resolutions without amendment, which report the House refused to concur in.

A bill entitled "an act for the relief of John Withers," was ordered to be engrossed for a third reading to-morrow.

A Senate bill entitled "an act for the relief of Dr. Richard Weightman," was read the third time.

Mr. Brett moved that said bill be indefinitely postponed; the yeas and nays being required on said motion were, yeas—Mr. Speaker, Messrs. Bannerman, Blackburn, Blount, Brett, Browne, Cooley, Dozier, Duval, Ferguson, Jenckes, Manly, McCall, McNeill, McRaeny, Sumerlin, Tabor, Thigpin, and Tradewell, 19; nays—Messrs. Burritt, Fitzpatrick, Gould, McLeod, Niblack, Priest, Reed, Williams, and Wood, 9; so said bill is indefinitely postponed.

The House went into committee of the whole on a bill entitled An act to repeal all laws relative to carrying arms secretly; after sometime the committee rose, and Mr. Brett Chairman, reported said bill amended, which report was concurred in by the House and said bill is ordered to be engrossed for a third reading to-morrow.

A bill entitled An act to organise the county of _____ and for other purposes, was made the special order of the day for to-morrow.

The House on motion of Mr. Blackburn, refused to concur in the unfavorable report of the Judiciary committee, on a bill entitled an act for the government and regulation of hired laborers.

A bill from the Senate entitled An act regulating proceedings before Justices of the Peace, was on motion of Mr. Gould laid on the table.

A bill entitled An act to amend the several acts now in force in relation to elections, was referred to a committee of the whole House. The House went into committee thereon, after some time the committee rose, and Mr. Reed Chairman therefrom, reported said bill amended, which report was concurred in by the House.

An engrossed bill entitled, an act concerning the introduction into and traffic in slaves in this Territory, was read the third time, the yeas and nays being required on its passage were, yeas Mr. Speaker, Messrs. Bannerman, Brown, Burritt, Cooley, Duval, Fitzpatrick, Gould, Manly, McCall, McLeod, Niblack, Priest, Reed, Tabor, Tradewell, and Wood 18; nays Messrs. Blackburn, Blount, Brett, Dozier, Ferguson, Jenckes, McNeill Sumerlin, and Thigpin 9; so said bill is passed—ordered that the title be as stated.

An engrossed bill entitled An act to prescribe the mode of sales by Sheriff and Constables, was read the third time and passed—ordered that the title be as stated.

An engrossed bill entitled "an act to provide a fund for the use of public schools," was read the third time; the yeas and nays being taken on its passage, were, yeas—Messrs. Dozier, Gould, and Jenckes, 3; nays—Mr. Speaker, Messrs. Bannerman, Blount, Brett, Browne, Burritt, Cooley, Duval, Ferguson, Fitzpatrick, Manly, McCall, McLeod, McNeill, McRaeny, Niblack, Priest, Reed, Sumerlin, Tabor, Thigpin, Tradewell, and Wood, 23; so said bill is lost.

The House went into committee of the whole on a bill from the Senate entitled "an act authorizing the Governor to raise troops for the defence of the frontier, and for other purposes;" after sometime spent therein, the committee rose, and Mr. Bannerman, chairman therefrom, reported said bill with amendments, which report was concurred in by the House, and said bill was again read the second time and ordered to be engrossed for a third reading on to-morrow.

The House then adjourned until to-morrow at 10 o'clock.

WEDNESDAY, February 27th, 1839.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

His Excellency the Governor transmitted to the House the following communication.

EXECUTIVE OFFICE,
TALLAHASSEE, Feb. 27th, 1839. }

To the Senate and House of Representatives of the Legislative Council.

GENTLEMEN—

I have approved and deposited in the office of the Secretary of the Territory, the following acts.

An act entitled "An act to incorporate the Alachua Academy."

"An act to incorporate the trustees of the Calhoun Academy in the county of Madison."

"An act to incorporate the Protestant Episcopal Church at Jacksonville."

"An act further to amend an act to incorporate the Lafayette Salt Company at Key West, approved 12th Nov. 1829."

"An act to fix the place of holding courts, in and for Alachua county."

"An act to incorporate the town of Newnansville."

"An act to establish an Academy on the Mickasuky Lake in the county of Leon, and to incorporate the trustees thereof."

I have also approved of the following resolutions.

A resolution requesting the Delegate in Congress from this Territory, to endeavor to procure an appropriation for the improvement of the navigation of the Santa Fee river, and the building of a light house at Cedar Key, near the mouth of the Suwannee river.

A resolution requesting the Delegate in Congress to endeavor to procure a pension for Jane Mathews.

R. K. CALL,
Governor of Florida.

Which was read.

The following bills sent from this House to the Senate for concurrence, were returned from that body passed without amendment, and ordered to be enrolled, to wit:

"An act for the relief of Wilkins C. Smith."

"An act for the relief of Christopher H. Edwards."

"An act for the relief of George Walker."

"An act to amend an act, incorporating the city of St. Joseph."

"An act for the relief of Christopher Fletcher," and

"An act for the relief of Calhoun county."

The Senate sent to this House for concurrence, certain res-

olutions in relation to mail transportation, which were read, and on motion of Mr. Dozier, laid on the table.

The Senate sent to this House for concurrence, a bill entitled "An act to determine the fees of certain officers in this Territory and for other purposes, which was twice read by the title, the rule being waived, and referred to the judiciary committee."

Also "An act authorizing Judges of the county courts, or Magistrates in the several counties to grant injunctions when the Judge of the Superior Court of any district shall be absent, which was twice read, the rule being waived, and referred to the judiciary committee."

Also an act to repeal certain acts of the Legislative Council therein named.

Also a bill entitled "An act to authorize the Trustees of the Calhoun Academy in the County of Madison to rent the school lands in said county, and for other purposes."

Messrs. Marvin and Berthelot, a committee from the Senate appeared in the hall of this House, and asked that said bill be delivered to them, to be returned to that body, which was ordered by the House and said bill delivered up.

The following bills were on motion taken from the table and placed among the orders of the day.

"An act concerning appeals from Justice's Courts."

"An act to extend the jurisdiction of Justices of the Peace in this Territory."

And "An act to amend the several acts incorporating the City of Tallahassee."

On motion of Tradewell, a bill entitled "An act to authorize the Brunswick and Florida Rail Road Company, to extend their improvements into the Territory of Florida, was taken from the orders and made the special order for to-day."

Mr. Blackburn moved that all the bills on the table be made the special order for to-day, which, on motion of Mr. Blount, was laid on the table.

The Senate sent to this House for concurrence, with accompanying documents, a bill entitled "An act for the relief of William Kelly," and said bill was read twice by the title, the rule being waived, and referred to the committee on claims.

Mr. Thigpin offered a preamble and resolutions relative to an appropriation for the repair of the Rail Road between Jacksonville and Rose's Bluff, which was read and laid on the table till to-morrow.

Mr. Fitzpatrick offered sundry resolutions relative to tax collectors and auctioneers, which was read and laid on the table till to-morrow.

Mr. Bannerman, from the committee on the state of the Territory, to whom was referred a Senate bill entitled "An act to authorize the Governor to locate one quarter section of land, &c.," reported said bill without amendment, which report was concurred in by the House.

Mr. Blackburn, from the committee on elections, to whom was referred two bills, each entitled "An act to amend an act incorporating the city of Apalachicola," reported that the committee have had said bills under consideration, and find they contain substantially the same provisions; the committee therefore report to the House the Senate's bill without amendments, as that contains the provisions of both, which report was concurred in by the House, and said bill was read the second time and placed among the orders for a second reading on to-morrow.

Mr. McRaeny, from the committee on internal improvements to whom was referred a bill entitled "An act to incorporate the Franklin Land and Apalachicola Lot Company," reported that the committee having had the same under consideration, are of opinion that the passage of said bills would be inexpedient and improper, which report was read and concurred in by the House.

A bill entitled "An act to organize the county of Call and for other purposes," was referred to a committee of the whole House; after some time the committee rose, and Mr. Dozier, chairman therefrom, reported said bill amended, which report was concurred in by the House, and said bill read a second time and ordered to be engrossed for to-morrow.

A bill entitled "An act to authorize the Brunswick and Florida Rail Road Company to extend their improvements into the Territory of Florida," was taken from the orders. Mr. Wood moved that the House go into committee of the whole thereon; the yeas and nays being required on said motion were, yeas—Messrs. Blackburn, Burritt, Cooley, Fitzpatrick, Gould, Niblack, Priest, Reed, Sumerlin, Thigpin, and Wood, 11; nays—Messrs. Bannerman, Brett, Brown, Dozier, Ferguson, Jenckes, Manly, McCall, McLeod, McRaeny, Tabor, Tradewell and Williams 14; so the House refused to go into Committee on said bill, and the same was read the third time; the yeas and nays being required on its passage were, yeas—Messrs. Bannerman, Blackburn, Brett, Brown, Dozier, Duval, Ferguson, Gould, Jenckes, Manly, McCall, McLeod, McRaeny, Sumerlin, Tabor, Tradewell, Williams, 17; nays, Mr Speaker, Messrs. Blount, Burritt, Cooley, Fitzpatrick,

McNeill, Niblack, Priest, Reed, Thigpin and Wood, 11; so said bill is passed; ordered that the title be as before stated.

A bill entitled "An act to alter and fix the terms of the Superior Courts in the Middle District of Florida," was read the third time and passed; ordered that the title be as stated.

A bill entitled "An act to alter and fix the terms of the Superior Courts of the Apalachicola district," was read the third time and passed; ordered that the title be as stated.

A bill entitled "An act for the relief for the relief of Levi J. Bell" was read the third time and passed; ordered that the title be as stated.

A bill entitled "An act for the relief of L. F. Breaker," was on motion of Mr. Brown laid on the table.

The House again went into committee of the whole on a bill entitled "An act to incorporate a company to be called the St. Marks Rail Road Company;" after some time, the committee rose, and Mr. Blount chairman, reported said bill amended which report was concurred in by the House, and said bill is ordered to be engrossed for to-morrow.

An engrossed bill entitled "An act for the relief of John Withers," was read the third time; the yeas and nays being required on its passage, were yeas, Messrs. Blackburn, Duval, Ferguson, Manly, McCall, and Tabor, 6—nays, Mr. Speaker, Messrs. Bannerman, Blount, Brett, Browne, Burritt, Cooley, Dozier, Fitzpatrick, Gould, Jenckes, McLeod, McNeill, McRaeny, Priest, Sumerlin, Thigpin, Tradewell, Williams, and Wood, 20,— so said bill is lost.

An engrossed bill entitled "An act for the relief of Thomas Eastin," was on motion laid on the table, and leave is given the petitioner to withdraw his papers.

A bill entitled "An act to incorporate the South Canal Company," was on motion of Mr. Gould laid on the table.

A preamble and resolution heretofore offered by Mr. McLeod, to wit:

Whereas there is no Post Office established at Eucheeanna, the county site of Walton county or mail route or road immediately opened or established to the said county site, and it being indispensably necessary that there should be a Post Office established at said county site, and the road opened and repaired from Marianna, the county site of Jackson county, to said Walton county site, and whereas if the road was opened and repaired from Lagrange via Eucheeanna, the county site of Walton county, Pickels Bluff on Choctawhatchee, Roches Bluff on Holmes Creek, the county site of Washington county, and on to Marianna it would be considerably a shorter route than the present one, and would add to the convenience of the travellers,

mail contractors, facilities of the three forementioned counties and their citizens and the mail would be carried on more reasonable terms than it is at present.

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress use his best exertions in establishing a Post Office at Eucheeanna, the county site of Walton county, and in procuring an appropriation of twenty-five hundred dollars for the repairing and opening of said road from Lagrange to Marianna.

Be it further resolved, That a copy of the foregoing preamble and resolutions be signed by the proper officers, and forthwith transmitted to our Delegate in Congress.

Approved March 2d, 1839.

Was again read and adopted.

A bill entitled "An act to secure the more effectual administration of justice in the Southern Judicial district" was read the third time; the yeas and nays being required on its passage, were yeas, Messrs. Blackburn, Browne, Dozier, Gould, Jenckes, Manly, McRaeny, Sumerlin, Tabor, Tradewell, and Williams 11; nays—Mr. Speaker, Messrs. Bannerman, Blount, Burritt, Cooley, Duval, Ferguson, Fitzpatrick, McCall, McLeod, McNeill, Priest, Reed, Thigpin, and Wood, 15; so said bill is lost.

A bill entitled "An act to amend the several acts to incorporate the Lake Wimico and St. Joseph Canal and Rail Road Company," was read the third time and passed; ordered that the title be as stated.

A bill entitled "An act in addition to an act entitled an act to prevent the future migration of negroes and mulattoes to this Territory and for other purposes approved Feb. 10th 1832, was read the third time; the yeas and nays being required on its passage were, yeas—Messrs. Bannerman, Blackburn, Blount, Browne, Dozier, Duval, Fitzpatrick, Jenckes, Manly, McCall, McNeill, McRaeny, Sumerlin, Tabor, and Tradewell 15; nays—Mr. Speaker, Messrs. Burritt, Cooley, Ferguson, Gould, McLeod, Priest, Reed, and Thigpin, 9; so said bill is passed; ordered that the title be as stated.

The House then took a recess until half past three o'clock when they again met.

The House went into secret session on nominations contained in the following communications, to wit:

EXECUTIVE OFFICE.

TALLAHASSEE, Feb. 25, 1839.

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN: I hereby nominate John Cromartie, John W.

Lee, N. N. Walker, Benjamin Bird, Silas S. Taft, John W. Hale, and Lionel Fletcher, Justices of the Peace; Robert J. Hackley, Robert Y. Wellford, and A. M. Alexander, Auctioneers; S. S. Taft, and F. B. Whiting, Port Wardens for St. Marks, in and for the county of Leon.

Charles Goodrich, Elias Knight, James Sparkman, Willis Chamberlin, John Lanier, George Rawles, and Samuel Witherington, Justices of the Peace, in and for the county of Alachua.

George Jennings, William M. Hunter, John Whitehurst, George W. Smith, and Joseph Bryan, Justices of the Peace, in and for the county of Hamilton.

J. Middleton, Samuel Walker, Joseph B. Private, Jackson Tyner, Wm. Haddock, Samuel Hutson, Wm. Frink, Jonathan Thigpin, and Nathan Norton, jr. Justices of the Peace; J. Middleton, Notary Public and Auctioneer, James T. O'Neil, Judge of the County Court in and for the county of Nassau.

George Fields, Notary Public, Benjamin F. Nourse, Marshal P. Ellis, and John W. Cummins, Portwardens, Robert Myers Auctioneer in and for the County of Franklin.

David Hudson, of Columbus, Georgia, Commissioner to take the acknowledgements of deeds, &c.

David A. Handerson, Auctioneer, David Townsend, Louis Lanier, H. S. Linton, and Benjamin Edwards, Justices of the Peace; John B. Coffee, Notary Public, in and for the county of Madison.

A. B. Shehee, A. J. Lea, Wm. Kersey, James Stewart, Cornelius Beazly, and Wm. Budd, Justices of the Peace; William Budd, Notary Public, in and for the county of Jefferson.

Alexander Martin, Judge of the County court; Joseph Howell, Daniel Gillett, Robert R. Brown, Nathaniel Bryan, Jiles W. Ellis, Archibald Hogans, and John C. Pclote, Justices of the Peace, in and for the county of Columbia.

Robert Mickler, George L. Phillips, John Lee Williams, Henry Ferris, and Peter B. Dumas, Justices of the Peace; Charles Rohon, John L. Phillips, Peter B. Dumas, Raphael D. Fontane, Joseph Hernandez, and Venancia Sanchez, Auctioneers, in and for the county of St. Johns.

Timothy Wightman, Cornelius Taylor, James Mathews, Lewis Bennett, and Harrison R. Blanchard, Justices of the Peace, and Arthur M. Reed, Notary Public, in and for the county of Duval.

R. K. CALL,
Governor of Florida.

EXECUTIVE OFFICE,
TALLAHASSEE, Feb. 27, 1839.

To the Senate and House of Representatives of the Legislative Council of Florida.

I hereby nominate Alexander Turner, and Thomas Braxton Justices of the Peace, in and for the county of Walton.

James Gipson, Philip Blont, J. R. Harris, Robert L. Harrison, H. A. Blont, Marcellus Morgan, Daniel L. Kenan, Terrell H. Yon, Daniel Boudy, Roderick McIntosh, and J. M. G. Hunter, Justices of the Peace, in and for the county of Gadsden; also for said county, I. R. Harris, Notary Public.

Walker Anderson, Edward R. Gibson, Wm. Street, Edward Hamilton, Phineas Laprade, and Albert M. Christy, Justices of the Peace; James B. Starr, and James Hudson, Auctioneers; N. Hayden and Washam Cromwell, Port Wardens at St. Joseph; Francis Arnou and Edward Langley, Lumber inspectors; and Walker Anderson, Notary Public in and for the County of Calhoun.

Edward C. Pittman, and Rufus Ballard, Justices of the Peace, in and for the County of Jackson.

Masters Russ Judge of the County Court in and for the County of Washington.

Timothy Weightman, Chester Bisbee, and Wm. B. Ross, Port Wardens for the Port of Jacksonville; and John Warren Auctioneer in and for the county of Duval.

Francis Eppes, John Rea, and Telman J. French, Justices of the Peace in and for the county of Leon.

E. Wood, Nathan Baker, Nelson Hawly, Samuel Simpson, and R. B. Bull, Port Wardens for the Port of Apalachicola; and E. S. Hamilton Auctioneer; Joseph Crosky, Notary Public and Justice of the Peace; E. C. Burdsall Inspector of lumber, in and for the county of Franklin.

R. K. CALL

Governor of Florida.

And advised and consented to said nominations.

The Senate sent to this House for concurrence a bill entitled "An act in addition to the military laws now in force," which was read and ordered for a second reading on to-morrow.

A Senate bill entitled "An act to incorporate the Trustees of the Presbyterian Church in Tallahassee," was read the third time and passed; ordered that the title be as stated.

The House went into committee of the whole on a Senate bill entitled "An act to raise by lottery a sum of money, to build a Masonic Hall in Tallahassee and for other purposes;" after some time the committee rose, and Mr. Gould, chairman, reported said bill with the enacting clause stricken

out, which report was concurred in by the House and said bill is lost.

The House went into committee of the whole on a bill entitled "An act to compel the banks of this Territory to resume specie payments and for other purposes;" after some time the committee rose, Mr. Bannerman, chairman, reported said bill with all but the enacting clause stricken out; the yeas and nays being required on concurring with the report of the committee of the whole, were, yeas—Mr. Speaker, Messrs. Blount, Brett, Burritt, Cooley, Duval, Ferguson, Fitzpatrick, McLeod, McNeill, Priest, Reed, Sumerlin; and Wood, 14; nays—Messrs. Bannerman, Blackburn, Dozier, Gould, Jenckes, Manly, McRaeny, Thigpin, and Williams 9; so said report was concurred in, and said bill is lost.

A bill entitled "An act to incorporate the bank of Apalachicola," was on motion of Mr. Manly laid on the table till to-morrow.

An engrossed bill entitled "An act to repeal all laws in relation to carrying arms secretly," was read the third time; the yeas and nays being required on its passage were, yeas—Mr. Speaker, Messrs. Burritt, Ferguson, McLeod, McNeill, McRaeny, Priest, Reed, and Thigpin, 9; nays—Messrs. Bannerman, Blackburn, Blount, Cooley, Duval, Fitzpatrick, Gould, Jenckes, Manly, Sumerlin and Tabor, 12; so said bill is lost.

A bill entitled "An act for the government and regulation of hired laborers," was read the third time; the yeas and nays being required on its passage were, yeas—Messrs. Blackburn, and Dozier 2; nays—Mr. Speaker, Messrs. Bannerman, Blount, Brett, Burritt, Cooley, Duval, Ferguson, Fitzpatrick, Gould, Jenckes, Manly, McLeod, McNeill, McRaeny, Niblack, Priest, Reed, Sumerlin, Tabor, and Thigpin, 21; so said bill is lost.

The House again went into committee of the whole on sundry resolutions asking additional representation for the county of Calhoun; after some time the committee rose, and Mr. Blackburn, chairman therefrom, reported said resolution amended, which report was concurred in by the House, and said resolution again read; the yeas and nays being required on its passage were, yeas Mr. Speaker, Messrs. Blount, Burritt, Cooley, Ferguson, Fitzpatrick, Manly, McLeod, McNeill, Niblack, Priest, Reed, Sumerlin, Tabor, Thigpin and Wood, 16; nays Messrs. Bannerman, Blackburn, Brett, Dozier, Duval, Gould, Jenckes, McRaeny and Williams, 9; so said resolutions are adopted.

A bill entitled "An act to amend the several acts now

in force in relation to elections," was read the second time, and ordered to be engrossed and made a special order for a third reading to-morrow.

An engrossed bill entitled "An act to authorize the Governor of the Territory of Florida to raise troops for the defence of the frontier," was read the third time; Mr. Blackburn moved to amend the second section of said bill by adding thereto by way of engrossed rider, the following words, to wit; "And that all troops raised by virtue of this act shall have the privilege of electing all the officers to command them below the grade of Major;" the yeas and nays being required on the adoption of said engrossed rider were, yeas—Messrs. Bannerman, Blackburn, Brett, Dozier, Gould, Jenckes, McNeill, Reed, Sumerlin, Thigpin, and Williams, 11; nays—Mr. Speaker, Messrs. Blount, Burritt, Cooley, Duval, Ferguson, Fitzpatrick, Manly, McLeod, McRaeny, Niblack, Priest, Tabor, and Wood, 14; so, said amendment is lost, and said bill was put on its passage and passed.

A bill entitled "An act concerning appeals from justices courts" was read the third time and passed; ordered that the title be as stated.

A bill entitled "An act to extend the jurisdiction of justice of the peace in this Territory," was read the third time and passed; ordered that the title be as stated.

The House went into committee of the whole on a bill entitled "An act to amend the several acts incorporating the City of Tallahassee; after sometime the committee rose, and Mr. Blount, chairman therefrom, reported said bill amended, which report was concurred in by the House, and said bill was again read the second time and ordered to be engrossed for a third reading to-morrow." The House then adjourned until twelve o'clock to-morrow.

THURSDAY, February 28th, 1839.

The House met, pursuant to adjournment; a quorum being present the journal of yesterday's proceedings was read.

On motion of Mr. Blount, a bill entitled "An act to authorize the Governor to raise troops for the defence of the Territory, and for other purposes" was amended, by striking out, of the second session, the word six which had been placed there by mis-

take of the engrossing clerk and inserting in lieu thereof the word eight, as it stood in the bill from the Senate.

The Senate returned to this House, a bill entitled "An act to authorize the trustees of Calhoun Academy, in the county of Madison, to rent the school lands in said county and for other purposes" passed with amendments; which were concurred in by the House and said bill was ordered to be enrolled.

Also returned a bill entitled "An act to prescribe the mode of sales by Sheriffs and Constables" indefinitely postponed, and said bill is lost.

Mr. Blackburn moved, that the Senate be informed by the sergeant at arms, that the House cannot take into consideration a motion adopted by that body; which motion prevailed, and sergeant at arms was ordered to inform the Senate.

A bill entitled "An act to authorize the Governor to locate one quarter section of land &c. was on motion of Mr. Fitzpatrick placed second among the special orders for to-day.

On motion of Mr. Niblack, the House reconsidered a vote taken yesterday, on concurring with the report of the committee of the whole for striking out the enacting clause of a bill entitled "An act to raise by lottery a sum of money to build a Masonic Hall in the City of Tallahassee, and for other purposes" and thereupon on motion the House refused to concur in said report and said bill was placed among the orders for to-day.

On motion of Mr. McLeod, certain resolutions asking an appropriation of Congress for the repair of Walton Court House, was taken from the table and placed among the orders for to-day.

Mr. Manly presented a preamble and resolutions, adopted by the chamber of commerce and others of Apalachicola, which was read, ordered to be spread on the journal and 500 copies ordered to be printed.

APALACHICOLA, February 19, 1839.

Pursuant to public notice a meeting of the Chamber of Commerce and the merchants and citizens generally, was held at the Mansion House on Tuesday evening the 19th inst. to consider the reported movements in the Legislative Council, touching the banking and financial operations of the Territory. William G. Porter, Esq. was called to the chair, and H. R. Taylor, appointed Secretary. The following preamble and resolutions were made and severally adopted.

Whereas a spirit hostile to the banking institutions of the Territory was manifested by a party in the Convention lately assembled in St. Joseph, and it being understood that a similar spirit has manifested itself in the Legislative Council now in

session at Tallahassee, we deem it our duty to declare our opinions connected with these important matters. Therefore,

Resolved, That all rights or charters granted by Legislative bodies even when found to be wrong, should be approached with great diffidence and caution, we therefore deprecate the present rash attempt to alter or modify the charters granted to any of the banking institutions of this Territory, that have sustained themselves by a resumption of specie payments.

Resolved, That whereas the two banks, the Southern Life Insurance and Trust Company and Pensacola bank, at present established in this place, by their uniform business and banking like conduct, are entitled to the fullest confidence of the community, therefore we are resolved to support them to the utmost of our ability.

Resolved, That whereas, we are sorry to observe a spirit existing, hostile to the introduction of banking capital from other parts of the Union. For ourselves we declare it as our wish to see capitalists from the more wealthy parts of the country, and even from foreign countries, seeking employment for their capital here, and thereby promoting the best interests of this Territory.

Resolved, That where the proprietors of a bank are non-residents, it results as a matter of course that they are not the borrowers, from the bank, but on the contrary the whole banking capital is employed in facilitating the business operations of the community.

Resolved, That the chairman of this meeting forward a copy of these resolutions to our representatives in the Legislative Senate and Council at Tallahassee, with a request that they should give their support to the same.

Signed, WM. G. PORTER, Chairman.

H. R. TAYLOR, Sec'y.

Mr. Dozier from the committee on enrollments, reported the following as correctly enrolled.

"An act for the relief of Christopher Fletcher."

"An act for the relief of Wilkins C. Smith."

"An act for the relief of Calhoun county."

"An act for the relief of George Walker."

"An act for the relief of Christopher H. Edwards."

"An act to amend an act incorporating the city of St. Joseph."

Which were signed by the Speaker and sent to the Senate.

Mr. Gould from the committee on claims to whom was referred a bill entitled "An act for the relief of Wm. Kelly, made the following report:

Claim of Wm. Kelly.

The claimant makes the following charges, viz:

Paid Hosman, Melvin, & Thigpin, and R. C. Adams, for boarding Lewis Sutton,	\$140,50
Paid Ormons, Hamilton, & Co's bill for clothing,	3,00
" Medicines,	2,37½
" 6 months rent of room,	30,00
" Guarding prisoner 186 days, at 2,50 per day,	465,00

\$640,87 1-2

It appears from the documents submitted, that Lewis Sutton was committed to the common jail of Franklin on the 30th May 1838, and that he was discharged during the late term of the superior court of that county, and the committee are satisfied that he continued in custody, 186 days. The fee bill of the Territory allow for this service 37½ cents per day.

The committee are also satisfied that the sum of 5,37½ cents has been paid by Kelly for clothing and medicines.

Also for the rent of a room for the purposes of a jail, there being no jail in the county, the sum of 30 dollars.

The law makes it the duty of the jailor to keep his prisoner safely but gives no authority to hire a guard, nor does it appear that a guard had been hired to secure the prisoner Sutton, but the jailor claims \$465. The committee do not think that it is correct in principle that jailors should make charges for personal services in guarding prisoners, and unless by some superior authority, that they should hire guards, and thus impose upon the Territory heavy expenses for keeping.

It does not appear that there was any necessity for hiring a guard, and if such necessity existed, it is obvious that the jailor should have hired some one besides himself.

The certificate of the Judge of the Superior court does not accompany the papers, nor do they appear to have been presented to the Auditor.

The committee consider it improper that private individuals, termed jailors, and as such run up accounts without official authority; and it is important to the protection of the Treasury, that legislation should be had on this particular subject, so that our jailors should be officially known, and officially responsible.

The committee have no doubt that the claimant has incurred expenses in good faith, and are willing to report favorably on so much of his account as they think should be paid, with the

understanding that this is not to be considered any precedent for the future.

For feeding prisoner 186 days at 37 1-2	\$69 75
" clothing and medicines, &c.	5 37 1-2
" rent of room six months	30 00

\$105 12 1-2

If the House should consider that the jailor is entitled to any thing for guarding the prisoner, then they add for this service the amount allowed in the Senate report.

\$139 50

\$244 62 1-2

And would recommend to strike out \$268 50 in the bill and insert \$244 62 1-2

Where there is no jail in the county, the law provides that the officer having in charge a prisoner, should take him to some county where there is a jail.

E. B. GOULD,
Chairman.

Which was read, and on motion the House refused to concur in said report, and said bill is placed among the orders.

On motion of Mr. Wood, said bill was indefinitely postponed. His Excellency the Governor, transmitted to the House the following communication:

EXECUTIVE OFFICE,
Tallahassee, Feb. 27, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN: I have approved and deposited in the office of the Secretary of the Territory the following acts:

"An act to amend an act entitled an act relating to crimes and misdemeanors, approved Feb. 10, 1832."

"An act for the relief of Esther Sparkman."

And I have disapproved and herewith return the act entitled "an act to divorce Martha P. Blackwell from her husband Jacob Blackwell."

I have deliberately considered the facts set forth by the petitioner in this case, and although her claims to relief are deemed meritorious and excite just sympathy, I believe she will find that relief in the Superior court for the county in which she resides, and her application should be made to that tribunal. The laws of the Territory having conferred jurisdiction on the Superior courts to grant divorce in all cases, where just cause is shown. I consider it both unnecessary and improper for the Legislature to interfere with that jurisdiction. The institution of marriage is one of the most sacred and important regulations of society; it was ordained by the Creator of man for our happiness and elevation in the scale of being.—

Though a civil contract, it is of divine origin, and should not be annulled on trivial grounds; nor should too great facilities be offered for this purpose. The divine, as well as the municipal law of every civilized country, has erected certain barriers for the protection of the marriage right, and the good morals of society require that those barriers should not be passed except for substantial reasons. Cases frequently arise where justice to the injured party, no less than humanity, demands a dissolution of the marriage tie.

But the calm deliberations of a court of equity is better calculated to render important justice than a legislative body, too often excited to action by sympathy, and the ex parte testimony produced by the applicant. In the case of Esther Sparkman, when the bill of divorce has been approved, the relief required could not be obtained from the courts of justice. This individual resides in the county of Columbia, where, from the constant incursions of the Indians, and the consequent disturbed state of society, no term of the Superior Court has been held for the last three years, nor is there a prospect of a session being held in that county within any reasonable time for the future. These considerations have induced me to approve the act for her relief, when under different circumstances, even with the same meritorious claims to approval, it would have been rejected.

I have also disapproved and herewith return the act entitled "an act to authorize George Frederick Hamilton and Louis Schmidt to dispose of real estate and other property by lottery." This act appears to have been passed on the petition of Messrs. Hamilton and Schmidt asking for the right to dispose of certain valuable real estate in the city of New Orleans, by lottery. The application for this privilege, in a Territory beyond the jurisdiction of the State in which the property is situated, is calculated to create an unfavorable impression, which has not been removed by any explanation I have received on the subject.

The bonus of \$20,000, given to the Territory in consideration of this extraordinary grant of privilege, should be no inducement for an act which without it would be deemed exceptionable. The morals and character of the Territory should not become articles of exchange in the hands of foreign brokers. The Legislative Council has, during its present session, created the most severe penalties against other species of gambling, not more objectionable than the lottery system. I have most cordially approved of these enactments and cannot, consistently with my views of propriety, give my sanction to the unbounded license granted to Messrs. Hamilton and Schmidt, to draw lotteries within this Territory; the act for this purpose is therefore disapproved.

R. K. CALL,
Governor of Florida.

Which were read—and thereupon the yeas and nays were taken on passing a bill entitled "An act to divorce Martha P. Blackwell from her husband Jacob A. Blackwell, in opposition

to the Governor's objections, and were yeas—Mr. Speaker, Messrs. Blackburn, Blount, Browne, Burritt, Dozier, Duval, Jenekes, Manly, McRaeny, Niblack, Reed, Sumerlin, Thigpin, and Wood, 15—nays, Messrs. Brett, Cooley, Ferguson, Fitzpatrick, Gould, McLeod, Priest, Tabor, Tradewell, and Williams, 10; and said bill not being passed by the majority of two thirds of all the members of this House required by the law of Congress, is lost.

The yeas and nays were also taken on the passage of a bill entitled, "An act to authorise George Frederiek Hamilton, and Louis Schmidt to dispose of real estate by lottery" in opposition to the Governor's objections and were yeas Messrs. Blount, Brett, Browne, Burritt, Dozier, Manly, McLeod, McRaeny, Niblack, Reed, Sumerlin, Tabor, Thigpin, Tradewell, Williams and Wood 16; nays Mr. Speaker, Messrs. Blackburn, Cooley, Duval, Ferguson, Fitzpatrick, Gould, Jenckes, and Priest 9; and said bill being not passed by a majority of two thirds of all the members of this House, as required by the act of Congress, is lost.

Mr. Burritt from the committee on the judiciary made the following report to wit:

The committee on the judiciary to whom was referred "An act authorising Judges of the county court, or Magistrates in the several counties, to grant injunctions, while the Judge of the Superior court of any district shall be absent;" also, "An act to determine the fees of certain officers in this Territory, and for other purposes; and also, an engrossed bill to be entitled "an act to repeal certain acts of the Legislative Council," beg leave to report that the time necessary for the proper examination of those bills is at this period of the session too limited to enable them to give due consideration to the subjects therein contained and they ask therefore to be discharged from the further consideration thereof.

S. L. BURRITT.

Chairman.

Feb. 28th, 1839.

Which was read, and the House concurred therein.

A bill from the Senate entitled, "An act to amend an act entitled an act to incorporate the St. Andrews and Chipola Canal Company" was read the third time, Mr. Fitzpatrick moved by way of engrossed rider to said bill, a section in these words, to wit:

"Be it enacted, That the said company shall be obliged to commence their rail road in one year; and finish the same in three years from the passage of this act" which was lost; after-

wards in like manner, a proviso in the words following to wit: 'provided that said company shall not sell their road to any other Rail Road Company,' which also was lost.

Mr. Blount moved the previous question, the yeas and nays being required thereon, were yeas Mr. Speaker, Messrs. Blackburn, Blount, Brett, Browne, Cooley, Dozier, Duval, Ferguson, Gould, Jenekes, McLeod, McRaeny, Priest, Reed, Sumerlin, Tabor, Thigpin, and Williams 19; nays Messrs. Burritt, Fitzpatrick, and Tradewell 3; so it is ordered that the main question shall be now put, and said bill was then put on its passage and passed.

A bill entitled "An act to incorporate the Bank of Apalachicola" was referred to a committee of the whole House; after some time the committee rose, and Mr. Tradewell, chairman therefrom, reported said bill with amendments, which report was concurred in, and said bill ordered to be engrossed for a third reading.

A bill from the Senate entitled, "An act to amend an act to incorporate the City of Apalachicola" was read the third time and passed without amendment; ordered that the title be as stated.

An engrossed bill entitled "An act to amend the several acts now in force in relation to elections" was read a third time; the yeas and nays being required on its passage, were yeas Messrs. Blackburn, Brett, Browne, Dozier, Duval, Ferguson, Gould, Jenekes, Manly, McRaeny, Thigpin, Tradewell, Williams and Wood 14; nays Mr. Speaker, Messrs. Blount, Burritt, Cooley, Fitzpatrick, McLeod, McNeill, Niblack, Priest, and Reed 10; so said bill is passed; ordered that the title be as stated.

A preamble and resolution offered by Mr. Thigpin, asking an appropriation for the repair of the mail road from Jacksonville to Rose's Bluff, was again read and adopted.

Resolutions offered heretofore by Mr. Fitzpatrick, requiring the auditor to cause suits to be immediately instituted against defaulting tax collectors and auctioneers, were again read, and adopted.

An engrossed bill entitled An act to incorporate a company to be called the St. Marks Rail Road Company, was read the third time and passed; ordered that the title be as stated.

A bill from the Senate entitled, "An act in addition to the military laws now in force; was read the second time, and ordered for a third reading to-morrow.

An engrossed bill entitled "An act to organize the county of Call and for other purposes, was read the third time; the yeas and nays being taken on its passage were yeas Messrs. Black-

burn, Brett, Browne, Burritt, Cooley, Dozier, Ferguson, Gould, Jenckes, Manly, McNeill, Niblack, Reed, Sumerlin, Thigpin, Williams and Wood, 17; nays Mr. Speaker, Messrs. Blount, Duval, Fitzpatrick, McLeod, McRaeny, Priest, and Tradewell, 8.

Mr. Wood moved that the House adjourn until to-morrow 11 o'clock; the yeas and nays being required thereon, were yeas Messrs. Brett, Browne, Burritt, Dozier, Ferguson, Manly, Thigpin, Tradewell, and Wood, 9; nays Mr. Speaker, Messrs. Blount, Cooley, Duval, Gould, Jenckes, McLeod, McNeill, McRaeny, Niblack, Priest, Reed, and Sumerlin, 13; so said motion is lost.

Mr. Wood moved that the House adjourn until to-morrow at 10 o'clock; the yeas and nays being required, were yeas Mr. Speaker, Messrs. Brett, Brown, Burritt, Ferguson, Manly, Sumerlin, Thigpin, Tradewell and Wood, 10; nays Messrs. Blount, Cooley, Duval, Gould, Jenckes, McLeod, McNeill, McRaeny, Niblack, Priest and Reed, 11; so said motion was lost.

Mr. Wood moved to adjourn until to-morrow at 9 o'clock; the yeas and nays being required were, yeas Mr. Speaker, Messrs. Brett, Browne, Burritt, Ferguson, Manly, McLeod, Thigpin, Tradewell, and Wood, 10; nays Messrs. Blount, Cooley, Duval, Gould, Jenckes, McNeill, McRaeny, Niblack, Priest, Reed and Sumerlin, 11; so said motion was lost.

Mr. Wood moved that the House adjourn until 12 o'clock to-morrow, the yeas and nays being required, were yeas Mr. Speaker, Messrs. Brett, Browne, Burritt, Duval, Ferguson, Manly, Thigpin, Tradewell, and Wood, 10; nays Messrs. Blount, Cooley, Gould, Jenckes, McLeod, McNeill, McRaeny, Niblack, Priest, Reed, and Sumerlin 11; so said motion was lost.

The House then adjourned until to-morrow at 11 o'clock.

FRIDAY, March 1st, 1839.

The House met pursuant to adjournment: a quorum being present, the journal of yesterday's proceedings was read.

The Senate sent for the concurrence of the House the following resolution: Resolved that a committee of two members of the Senate be forthwith appointed to confer with such committee as may be appointed by the House, upon the propriety

of rescinding the tenth joint rule, and that they be directed to confer and report as soon as practicable, which was read, the rule waived, and said resolution adopted. Messrs. Blount and Fitzpatrick were appointed a committee on the part of the House.

A bill from the House entitled "An act in addition to an act entitled an act to prevent the future migration of free negroes and mulattoes to this Territory, and for other purposes, approved Feb. 10th. 1832," was returned from the Senate, indefinitely postponed, and said bill is lost.

On motion of Mr. Wood, ordered that a bill for the relief of Wm. Kelly, which was indefinitely postponed on yesterday, be reconsidered, and said bill is placed among the orders for to-day.

On motion of Mr. Blackburn, ordered that a bill entitled "An act to amend an act entitled an act to incorporate the St. Andrews and Chipola Canal Company," which was passed yesterday, be reconsidered.

On motion of Mr. Wood a select committee was appointed to wait on the Senate and ask for said bill which had been returned to that House. Messrs. Wood and Ferguson were appointed that committee.

The committee returned from the Senate Chamber with said bill, which was placed among the orders of the day.

On motion of Mr. Blackburn, a bill to annul sundry broken bank charters, was taken from the table and placed among the orders of the day.

Mr. Dozier, from the committee on enrollments, reported as correctly enrolled, "An act to authorize the trustees of the Calhoun Academy in the county of Madison to rent the school lands in said county, and for other purposes," which was signed by the Speaker and sent to the Senate.

Messrs. Blount and Fitzpatrick from the joint committee of both Houses, made the following report: The committee of conference, between the Senate and House of Representatives, beg leave to recommend that the tenth joint rule be so amended as to allow the transmission of bills between the two Houses during this day, which report was concurred in by the House.

A bill entitled "An act concerning tax collectors, assessors, and auctioneers," was referred to, and taken up in committee of the whole House; after sometime the committee rose, and Mr. Bannerman, chairman, reported said bill with sundry amendments, which report was concurred in, and said bill was read the second time and ordered to be engrossed for a third reading forthwith.

The Senate notified the House of their concurrence in the report of the joint committee rescinding the tenth joint rule for

to-day, and bills can be sent to, and received from the Senate during to-day.

The Senate returned to this House, without amendment, a bill entitled "An act to authorize James M. Harris to build a dam and lock across the St. Marks river, which is ordered to be enrolled.

Also, without amendment "An act to establish a ferry across the Apalachicola river, at or near its junction with the bay of Apalachicola," which is ordered to be enrolled.

Also, with amendments, "An act to create a body corporate and politic by the name of the St. Joseph Chamber of Commerce," which amendments were concurred in by the House, and said bill is ordered to be enrolled.

Also, with amendments, "An act to incorporate the city of Pensacola," which amendments were concurred in and said bill is ordered to be enrolled.

The Senate sent to this House for concurrence a bill entitled "An act in relation to public defaulters," which was twice read, the rule being waived, and referred to the judiciary committee.

The House then took a recess for one hour when they again met.

The House went into committee of the whole on a bill entitled "An act to raise by lottery a sum of money to build a Masonic Hall in the city of Tallahassee, and for other purposes;" after sometime the committee rose, and Mr. Gould, chairman, reported said bill amended, which report was concurred in, and said bill again read and ordered to be engrossed for a third reading.

An engrossed bill entitled "An act to amend the several acts incorporating the city of Tallahassee," was read the third time and passed; ordered that the title be as stated.

The House advised and consented to the nomination of E. J. Hardin, as Auctioneer of Calhoun county and Port Warden of St. Joseph.

A bill from the Senate, entitled "An act to increase the Senate, and to apportion the additional members throughout the Territory," was read the third time; the yeas and nays being required on its passage, were, yeas—Messrs. Bannerman, Blackburn, Dozier, Duval, Ferguson, McCall, McNeill, Niblack, Sumerlin, Thigpin, and Tradewell, 11; nays—Mr. Speaker, Messrs. Blount, Brett, Burritt, Fitzpatrick, Gould, Jenckes, McLeod, McRaeny, Priest, Reed, Tabor, Williams, and Wood, 14; so said bill is lost.

On motion of Mr. McLeod, the House do recede from their

disagreement to an amendment of the Senate to a resolution asking of Congress an appropriation for the repair of Walton Court house, by which the Senate reduce the amount asked for, from *three thousand* to five hundred dollars, and said resolutions are ordered to be enrolled.

A bill entitled "An act to authorize the Governor to locate one quarter section of land, &c." was read the third time and passed; ordered that the title be "An act to provide for building a Capitol, and for other purposes."

Mr. Blount asked and obtained leave, the rule being waived, to introduce a bill entitled "An act for the compensation of the members and officers of the Legislative Council, and for other purposes," which was twice read, the rule being waived, and referred to, and taken up in committee of the whole; after sometime the committee rose and Mr. Wood, chairman, reported said bill amended, which report was concurred in, and said bill again read the second time. On motion, the rule was again waived and said bill read the third time, and passed; ordered that the title be as stated.

A bill entitled "An act for the relief of Maj. Charles Mapes," was read the third time and passed, and returned to the Senate.

A bill from the Senate entitled "An act to incorporate the Marianna Steam Saw Mill Company," was read the first time and ordered for a second reading to-morrow.

A bill entitled "An act to authorize James M. Harris to build a dam and lock across the St. Marks river," was returned from the Senate without amendment, and is ordered to be enrolled.

A bill entitled "An act to prevent the future exercise of corporate privileges by certain banking corporations," was read the third time, passed and sent to the Senate.

A bill entitled "An act to incorporate the bank of Apalachicola," was read the third time and passed and sent to the Senate.

Mr. Fitzpatrick moved to postpone indefinitely a bill entitled "An act to amend an act to incorporate the St. Andrews and Chipola Canal Company;" the yeas and nays being taken on said motion, were, yeas—Messrs. Burritt, Cooley, Duval, Fitzpatrick, McNeill, Niblack, Priest, Reed, Tradewell, and Wood, 10; nays—Mr. Speaker, Messrs. Bannerman, Blackburn, Blount, Brett, Dozier, Ferguson, Jenckes, Manly, McCall, McLeod, Sumerlin, Tabor, Thigpin, and Williams, 15; so said motion was lost. Said bill was then read the third time, the yeas and nays being taken on its passage, were, yeas—Mr. Speaker, Messrs. Bannerman, Blackburn, Blount, Brett, Dozier, Ferguson, Gould, Jenckes, Manly, McCall, McLeod, Su

merlin, Tabor, Thigpin, and Williams, 16; says—Messrs. Burritt, Cooley, Duval, Fitzpatrick, McNeill, Niblack, Priest, Reed, and Tradewell, 9; so said bill is passed.

An act concerning tax collectors, assessors, and auctioneers, was read the third time and passed; title changed so as to read, "An act concerning tax collectors, and for other purposes," and sent to the Senate.

A message was transmitted to this House from his Excellency, the Governor, as follows:

EXECUTIVE OFFICE,

Tallahassee, March 1, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN: I have approved and deposited in the office of the Secretary of the Territory the following acts:

"An act to incorporate St. Paul's Church, Quincy, Florida."
 "An act to constitute a board of wardens, commissioners of pilotage, &c., for the port of Jacksonville and other places therein provided for."

"An act concerning the county site of Hamilton county."
 "An act for the relief of Christopher Edwards."
 "An act for the relief of Christopher Fletcher."
 "An act for the relief of George Walker."
 "An act to amend an act entitled an act to incorporate the subscribers to the Union Bank of Florida."

"An act to authorize the county court of Franklin county to levy a tax for building a jail in said county."

"An act to amend the act incorporating the city of St. Joseph."
 "An act for the relief of Wilkins C. Smith."

"An act to authorize the trustees of the Calhoun Academy in the county of Madison to rent the school lands."

And I have disapproved and herewith return the act entitled "an act for the relief of Calhoun county." The preamble as well as the provisions of the act, assumes the fact that the Territory has no right to collect the tax on the sale at auction of certain lots in St. Joseph, in consequence of an exemption from such tax, specially granted by the Legislative Council, prior to the sale of the lots.—Now if the truth of this proposition be admitted, it is evident that the present Legislature has no right to cause to be collected or to appropriate the fund arising from such taxation. Nor does the willingness or unwillingness of the parties, to pay the amount, provided such dues and taxes be relinquished to the county of Calhoun for county purposes, change the nature of the case. If the parties are not bound to pay this tax into the Territorial Treasury, but are willing, nevertheless, to pay it to the county court for county purposes, they may do so under their own violation, while we have no right by law, to require it to be done.

But I entertain a different opinion from that expressed in the pre-

amble, and in the act itself. I consider the law exempting the sale of lots at St. Joseph from the tax required to be paid on all other sales at auction in this Territory, as unconstitutional. I believe the Territory has a just demand against the St. Joseph company for the amount of the taxes on the sale at auction, that we have a right to collect that tax, and that it would be an act of injustice to the other counties to appropriate the general revenue to local purposes in the county of Calhoun, when all others are compelled to resort to a county tax for the very same purposes; the act is therefore disapproved.

R. K. CALL, Governor of Florida.

Which was read and the bill therewith returned, laid on the table until to-morrow.

The Senate sent to this House for concurrence, a resolution authorizing the Governor to appoint an agent to go to Washington and make representations in relation to the condition of Florida, which was read and laid on the table until to-morrow.

The House then adjourned until to-morrow at 10 o'clock.

SATURDAY, March 2d, 1839.

The House met pursuant to adjournment a quorum being present the journal of yesterday's proceedings was read:

On motion of Mr. Wood a committee was appointed to wait upon the Senate, and ask that body to return to this House a bill entitled "An act to provide for the pay and mileage of the members of the Legislative Council and the officers thereof—Messrs. Wood and Duval were appointed said committee.

Mr. Dozier from the committee on enrollments, reported as correctly enrolled the following bills, to wit:

"A preamble and resolution requesting an appropriation of Congress for the repair of the Court House in Walton county.

"An act to establish a ferry across the Apalachicola River, at or near its junction, with the bay of Apalachicola."

"An act to create a body corporate and politic by the name of the St. Joseph chamber of commerce."

"An act to authorize James M. Harris, to build a dam and lock across the St. Marks River, and

"An act to incorporate the City of Pensacola," which were severally signed by the Speaker, and sent to the Senate.

Mr. Wood from the committee appointed to wait on the Senate, and obtain from them a bill entitled "An act to provide for the pay and mileage of the members of the Legislative Council

oil and for other purposes," returned from the Senate with that bill, which was placed first among the orders of the day.

Mr. Wood offered the following resolution.

Be it resolved by the Senate and House of Representatives of the Territory of Florida, That the joint resolution providing for the final adjournment of the Legislative Council on the 2d day of March, be rescinded for the express purpose of enabling the Governor to return the acts of this session which have been submitted to him, and for no other purpose, and that this Legislative Council will adjourn on the fourth day of March, instant.

Which was twice read, (the rule being waived) and adopted, and sent to the Senate for concurrence.

The Senate returned to this House, rejected a bill entitled "An act for the relief of Wm. G. Davis," and said bill is lost.

Also returned with amendments a bill entitled "An act to raise a fund by taxation for the education of poor children," which were concurred in by the House, and said bill is ordered to be enrolled.

Also returned a bill entitled, "An act to extend the jurisdiction of Justices of the Peace in this Territory" indefinitely postponed.

Also a preamble and resolution asking additional representation for Calhoun and other counties," adopted by the Senate without amendment, which were ordered to be enrolled.

Also a preamble and resolutions asking the establishment of a post office at Eucheeanna, and an appropriation for the repair of the road from Lagrange to Marianna, adopted by the Senate without amendment, which is ordered to be enrolled.

Mr. Wood from the committee on banks, made the following report:

The committee on banks to whom was referred the several reports of the Union Bank of Florida, the Southern Life and Trust Company, and the Bank of Pensacola, have had the same under consideration and ask leave to report, that they have examined the several reports with much care, and they believe that the three banks already mentioned have been managed with much skill and ability, and deserve the entire confidence and support of the people of Florida. The Southern Life and Trust Company have resumed payment of specie since November last, and the Pensacola Bank has also resumed since the first day of January of the present year. The Union Bank has resumed payment in specie of all her bills under the denomination of five dollars, and only wait to hear of the success of the President of the Institution who is now in Europe for the purpose of negotiating the bonds for the increase

of her capitol stock; and your committee have every assurance, and they believe that in a very short period of time, that that bank will resume the payment of all her bills in specie. The committee believe that the bank of Jacksonville is not in a situation to resume the payment of specie at present, and it is very doubtful if that bank will ever do so.

E. J. WOOD, Chairman.

Which was read—the yeas and nays being required on the adoption of said report, were yeas Mr. Speaker, Messrs. Burritt, Cooley, Dozier, Duval, Ferguson, Fitzpatrick, McCall, McLeod, McNeill, Priest, Reed, and Wood 13; nays Messrs. Bannerman, Blackburn, Brett, Browne, Gould, Jenckes, Manly, McRaeny and Tabor 9; so said report is adopted.

The Senate returned to the House, a bill entitled "An act to amend the several acts now in force in relation to elections," passed with amendments; which were concurred in by the House, and said bill is ordered to be enrolled.

Also a bill entitled "An act to authorise the Brunswick and Florida Rail Road Company to extend their improvements into the Territory of Florida," passed with amendments; the yeas and nays being required, on concurring with the amendments to said bill made in the Senate, were yeas Messrs. Bannerman, Blackburn, Brett, Browne, Dozier, Duval, Ferguson, Gould, Jenckes, Manly, McCall, McLeod, McRaeny, Tradewell, and Williams 14; nays Messrs. Blount, Burritt, Cooley, Fitzpatrick, Niblack, Priest, Reed, and Wood 8; so said amendments are concurred in and said bill is ordered to be enrolled.

The Senate returned to the House, a preamble and resolution, asking an appropriation for the repair of the road leading from Jacksonville to Rose's Bluff, adopted by the Senate without amendment, and it is ordered that said resolution be enrolled.

A bill entitled "An act to provide for the pay and mileage of the members of the Legislative Council, and for other purposes," was again taken up in committee of the whole; after some time, the committee rose, and Mr. Dozier, chairman, reported said bill amended; which was concurred in and said bill was again read the second and third times (the rule being waived) and passed, and sent to the Senate for concurrence.

His Excellency the Governor sent to the House the following communication.

EXECUTIVE OFFICE,
TALLAHASSEE, March 2d, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

Gentlemen: At the request of the President of the Conven-

tion, lately held at St. Joseph, I transmit for your information a copy of the constitution formed by the delegates of the people of Florida.

R. K. CALL,
Governor of Florida.

Which was read, and the document therewith sent, ordered to be laid on the table.

A bill from the Senate entitled "An act in addition to the military laws now in force," was read the third time; the yeas and nays being required on its passage were yeas Mr. Speaker, Messrs. Bannerman, Blount, Burritt, Cooley, Duval, Ferguson, Fitzpatrick, McCall, McNeill, Mooring, Niblack, Priest, Reed, Tradewell and Wood 16; nays Messrs. Blackburn, Brett, Browne, Dozier, Gould, Jenckes, Manly, McLeod, McRaeny, Thigpin, and Williams 11; so said bill was passed and returned to the Senate.

A bill from the Senate entitled, "An act authorising Judges of the county courts or Magistrates in the several counties to grant injunctions, when the Judge of the Superior court of any district shall be absent," was read the third time and lost.

The Senate returned to this House, passed without amendment, a bill entitled "An act to amend the several acts to incorporate the Lake Wimico and St. Joseph Canal and Rail Road Company," which is ordered to be enrolled.

A Senate bill entitled, "An act to repeal certain acts of the Legislative Council therein named was read the third time, and indefinitely postponed.

Mr. Wood offered the following resolution, which was twice read (the rule being waived) and adopted, and sent to the Senate for concurrence.

A bill entitled "An act to amend the several acts incorporating the City of Tallahassee," was returned from the Senate; indefinitely postponed.

A Senate bill entitled "An act for the relief of William Kelly," was read the third time; the yeas and nays being required on its passage, were yeas Messrs. Blackburn, Blount, Brett, Browne, Dozier, Ferguson, Gould, Jenckes, Manly, Reed, Sumnerlin, Tradewell, and Williams 13; nays Mr. Speaker, Messrs. Bannerman, Burritt, Cooley, Duval, McCall, McLeod, McRaeny, Niblack, Priest, Thigpin, and Wood 12; so said bill is passed; ordered that the title be as stated.

The Senate transmitted the following message to the House :

EXECUTIVE OFFICE, }
TALLAHASSEE, March 1st, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

I hereby nominate Joseph Forsyth, Elijah Gaylor, James W. Ernest, Samuel Patterson, Micajah Crupper and Thomas M. Blount, Justices of the Peace; F. E. De la Rua, Joseph Sierra, John Campbell, David A. Norheap, and Henry Michellet, Auctioneers; James Catlin, Notary Public, in and for the county of Escambia.

Moses Ellis Auctioneer in and for the county of Jefferson.

John Wiggins, and J. D. Reed Justices of the Peace in and for the county of Madison.

John S. Stewart Justice of the Peace, in and for the county of Hamilton.

Walton C. Malony Notary Public in and for the county of Dade.

William Bunce, James Lynch, and J. B. Allen, Port Wardens for the port of Tampa Bay in and for the county of Hillsborough.

R. K. CALL, Governor of Florida.

The nomination of Walton C. Malony, Notary Public for Dade county, laid on table.

Which was read and said nominations are consented to and advised by the House.

A Senate bill entitled, "An act providing that each county shall provide for the expenses of keeping prisoners in custody for offences committed in said county, was read the third time, and on motion indefinitely postponed.

Mr. Dozier from the committee on enrollments reported as correctly enrolled the following bills to wit:

"A preamble and resolution requesting of Congress an appropriation for repairing the road leading from Jacksonville on the St. Johns to Rose's Bluff on the St. Mary's River."

"A preamble and resolution requesting of Congress the establishment of a Post Office at Eucheeanna the county site of Walton county, and an appropriation of twenty five hundred dollars for the repairing and opening of a road between LAGRANGE to Marianna."

"An act to raise a fund by taxation, for the education of poor children."

And a preamble and resolution requesting our Delegate in Congress to urge and procure the passage of a law allowing one additional member from the counties of Franklin, Calhoun and Columbia, in the House of Representatives.

R

Which were signed by the Speaker, and sent to the Senate.

A bill from the Senate entitled "An act to amend the several acts incorporating the town of Marianna," was read the third time and passed, and sent to the Senate.

A Senate bill entitled "An act in addition to the military laws now in force," was read the third time and passed.

Mr. Blackburn moved that the title be "An act to declare the Territory of Florida under martial law," the yeas and nays being required thereon, were, yeas—Messrs. Blackburn, and Williams, 2; nays—Mr. Speaker, Messrs. Bannerman, Blount, Brett, Browne, Burritt, Cooley, Dozier, Duval, Ferguson, Fitzpatrick, Gould, Jenckes, McCall, McLeod, McNeill, Niblack, Priest, Reed, Sumerlin, Thigpin, Tradewell, and Wood, 23; so said motion was lost, the original title retained, and said bill returned to the Senate.

A Senate bill entitled "An act to incorporate the Florida Manual Labor School, to be located in Middle Florida," was read the third time; the yeas and nays being required on its passage, were, yeas—Messrs. Blount, Dozier, Duval, Gould, McCall, McLeod, Reed, and Tradewell, 8; nays—Mr. Speaker, Messrs. Bannerman, Blackburn, Brett, Browne, Cooley, Ferguson, Fitzpatrick, Jenckes, Niblack, Priest, Sumerlin, Thigpin, Williams, and Wood, 16; so said bill is lost.

The Senate sent to the House the following resolution, to wit: resolved, that a message be sent to the House of Representatives, requesting the transmission to the Senate of all accounts on which the compensation act is founded, which was read, and on motion laid on the table.

The Senate sent to this House for concurrence certain joint resolutions instructing the Auditor as to the mode of auditing claims, for members to the Convention, which were again read, and on motion indefinitely postponed.

The Senate returned to this House, amended, a bill entitled "An act to amend the several acts and in addition to the acts relating to county courts, and for other purposes," which amendments were concurred in, and said bill is ordered to be enrolled.

The yeas and nays were taken on the passage of a bill entitled "An act for the relief of Calhoun county," in opposition to the Governor's objections, and were as follows: yeas—Messrs. Bannerman, Blount, Burritt, Duval, Fitzpatrick, Niblack, Priest, Reed, Thigpin, and Wood, 10; nays—Mr. Speaker, Messrs. Blackburn, Brett, Browne, Cooley, Dozier, Ferguson, Gould, McCall, McLeod, Sumerlin, and Tradewell, 12; and said bill is lost.

A joint resolution from the Senate, authorizing the printing of the compilation of John P. Duval, with the acts of the present session, was again read, adopted, and returned to the Senate.

Also a joint resolution from the Senate requiring the Auditor to audit such accounts for forage, &c., furnished the Florida troops last year, as may be approved by the Governor, was again read and adopted, and returned to the Senate.

A Senate bill entitled "An act to determine the fees of certain officers in this Territory, and for other purposes," was on motion indefinitely postponed.

A Senate bill entitled "An act to incorporate the Marianna Steam Saw Mill Company," was on motion laid on the table.

A Senate bill entitled "An act in relation to public defaulters," was read the third time; the yeas and nays being required on its passage, were, yeas—Messrs. Bannerman, Blount, Browne, Burritt, Dozier, Ferguson, McCall, McLeod, Niblack, Priest, Reed, Thigpin, Tradewell, and Williams, 14; nays—Mr. Speaker, Messrs. Blackburn, Brett, Cooley, Duval, Fitzpatrick, Gould, Sumerlin, and Wood, 9; so said bill was passed, and returned to the Senate.

Mr. Dozier, from the committee on enrollments, reported as correctly enrolled

"An act to amend the several acts now in force in relation to elections."

"An act to prevent the future exercise of corporate privileges by certain banking corporations."

"An act to authorize the Brunswick and Florida Rail Road Company to extend their improvements into the Territory of Florida."

"An act to amend the several acts to incorporate the Lake Wimico and St. Joseph Canal and Rail Road Company."

"An act to amend the several acts, and in addition to the acts relating to County Courts, and for other purposes."

Mr. Tradewell moved that the resolution sent from the Senate in relation to accounts accompanying the compensation bill be taken from the table and forthwith considered by the House, which motion prevailed; whereupon a written report was presented by Mr. Duval, chairman of the finance committee, which was ordered to be certified and transmitted to the Senate, as an answer to their resolution.

Mr. Tradewell offered the following resolution, to wit:

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That the Governor of this Territory be, and he is hereby authorised to cause the Capital Square at

Tallahassee to be enclosed with a fence made of durable materials; to have a well and pump established within the said square, and to cause the grounds within the enclosure to be laid off in a suitable manner, and to be set out with ornamental trees and shrubbery; and for this purpose he is authorised to expend a sum from the Tallahassee fund not exceeding three thousand dollars.

Which was twice read, the rule being for that purpose waived, and adopted and sent to the Senate.

The Senate returned to the House a bill entitled "An act to incorporate the Bank of Apalachicola," passed by the Senate with amendments which were read and concurred in, except the amendment to the 18th section, in striking out the words following to wit: "except in the county of Calhoun;" to which amendment the House do disagree, which is ordered to be certified to the Senate.

The following communication was received from the Senate:

EXECUTIVE OFFICE,

Tallahassee, March 2, 1839.

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN:—I hereby nominate Dennison B. Wood, Judge of the County Court; Joseph Foster, Auctioneer; and George S. Hawkins, Notary Public, in and for the county of Franklin.

Edmund Bird, Auctioneer, in and for the county of Alachua.

David M. Sheffield, Weigher of Cotton at Tallahassee; and William C. Campbell, Weigher of Cotton at St. Marks, in and for the county of Leon.

L. A. Thompson, Auditor of Public Accounts; and Thomas H. Austin, Treasurer in and for the Territory of Florida.

R. K. CALL,
Governor of Florida.

Confirmed by the Senate.

L. F. MOSHER,
Secretary pro tem.

Which was read with open doors, and the nominations therein contained were consented to, and advised by the House of Representatives.

Mr. Dozier, from the committee on enrollments, reported as correctly enrolled,

An act to be entitled "An act to alter and fix the terms of the Superior Courts in the Middle District of Florida."

An act entitled "An act to alter and fix the terms of the Superior Courts of the Apalachicola District."

"A resolution requiring the Auditor of this Territory immediately to institute suits against all Tax Collectors and Auctioneers who have neglected, or refused to make return, and pay into the Treasury all territorial and auction taxes, which may have been collected by said Tax Collectors and Auctioneers."

Which were signed by the Speaker and sent to the Senate.

The Senate notified the House that they recede from their amendment to the 18th section of a bill entitled "An act to incorporate the Bank of Apalachicola," and said bill is ordered to be enrolled.

Mr. Tradewell moved that a committee be appointed to wait on the Senate and propose that the two Houses will meet tomorrow at 12 o'clock, to receive from his Excellency the Governor any communication he may have to make, and also that the joint committee on enrolled bills be authorized to report to the President of the Senate and Speaker of the House of Representatives the bills that may be enrolled during the recess.

Passed by House of Representatives, March 2d, 1839.

Att.

JOS. B. LANCASTER,

Clerk H. R.

Which was read, passed, and sent to the Senate.

The Senate returned to the House, by a committee of Messrs. Duval and Hawkins, the following reply:

On motion of Mr. Duval a committee was appointed on the part of the Senate, to inform the House of Representatives that the Senate has refused to sit to-morrow, it being the Sabbath, some of their members from conscientious scruples cannot attend; but the Senate concur in the request of the House so far as to agree that the President of the Senate and Speaker of the House may revise and sign any enrolled bills during the recess of the two Houses.

Passed by the Senate, March 2d, 1839.

L. F. MOSHER,

Secretary pro tem.

Which was read and concurred in by the House.

The following resolution was offered by Mr. Fitzpatrick, to wit:

Resolved, that the Governor be requested to certify and pay the following accounts, viz:

The members of the House of Representatives, their per diem and mileage from the 7th day of January to the 4th day of March, both days inclusive.

To Joseph B. Lancaster, chief clerk of the House of Representatives, nine hundred dollars.

To Neil McPherson, enrolling and engrossing clerk, four hundred and fifty dollars.

To Robert B. Copeland, enrolling and engrossing clerk, four hundred and fifty dollars.

To Cervantes Harris, enrolling and engrossing clerk, four hundred and fifty dollars.

To Seth P. Lewis, sergeant at arms, four hundred and fifty dollars.

To Moses Ellis, doorkeeper, four hundred and fifty dollars.

To William Wilson, for stationary and contingencies, including the bills for sitting up the Representative Hall, one thousand eight hundred and seventy dollars and eighty-two cents.

To Samuel S. Sibley, for miscellaneous printing for the House of Representatives during the present session, eight hundred and seventy-seven dollars and forty-one cents.

To George R. Walker, for the use of a house for holding the present session of the House of Representatives, one thousand dollars.

To Frederick Towle, for his account, seven dollars and fifty cents.

To Knowles & Hutchins, for printing 500 copies of the Governor's message, seventy five dollars.

To Seth P. Lewis, for his account for fuel and contingent expenses, one hundred and twelve dollars and fifty cents.

To Henry A. Bright, if not allowed by the Senate, for copying the laws and making index, three hundred dollars.

And the Governor is also requested to cause to be paid to James S. Robinson, out of the Tallahassee Fund, for money expended by him to repair the Capitol fence, two hundred dollars.

Which was twice read, the rule being waived, and passed, and ordered to be enrolled.

Mr. Blount moves that a committee be appointed to wait on the Senate and inform them there is no further business before the House of Representatives, and that they are ready to adjourn until Monday morning at nine o'clock, which motion carried, and Messrs. Blount and Ferguson were appointed a committee for that purpose.

The Senate sent to the House the following communication :

On motion of Mr. Dupont, a message is sent to the House of Representatives requesting the appointment of a committee of that body to confer with a committee of the Senate, in relation to the construction of the ninth joint rule. Messrs. Mar-

vin and Dupont are appointed a committee on the part of the Senate for such conference.

Passed by the Senate, March 2, 1839.

L. F. MOSHER,

Sec'y., pro tem.

The House concurred and Messrs. Blount and Burritt were appointed a committee on the part of the House of Representatives.

The committee of conference made the following report, to wit :

The committee of conference between the two Houses in relation to the construction of the ninth joint rule, respectfully report,

That they have conferred together and cannot agree. The committee on the part of the Senate insists that the rule requires the transmission to the Senate of all papers, accounts, and vouchers, in relation to the compensation bill, to enable that body to pass upon such bill. The committee on the part of the House of Representatives insists that the Senate ought to regard the expenditures of each branch of the Legislative Council as within its separate control, and that the transmission of bills and accounts, embracing the expenditures of either House, can be of no service.

Respectfully submitted,

T. M. BLOUNT,
S. L. BURRITT,
WM. MARVIN,
C. H. DUPONT.

Which is ordered to be spread on the journal.

Mr. Dozier, from the committee on enrollments, reported as correctly enrolled, the following bill, to wit :

"An act to incorporate the Bank of Apalachicola."

Which was signed by the speaker.

The House then adjourned until Monday at 10 o'clock.

MONDAY, March 4th, 1839.

The House met pursuant to adjournment; a quorum being present the journal of Saturday's proceedings was read.

The Senate sent to the House for concurrence the following resolution:

To be inserted No. 1.

Which was read, the rule requiring that no business should

be acted on this day except the messages of the Governor, and objection being made, the House did not concur.

Mr. Blount moved that the joint resolution fixing the final adjournment for this day be reconsidered; the yeas and nays being required on said motion were, yeas Mr. Speaker—Messrs. Bannerman, Blount, Burritt, Cooley, Duval, Ferguson, Fitzpatrick, Manly, McCord, Niblack, Priest, Reed, Tabor, Traddwell, and Wood, 16; nays Messrs. Blackburn, Browne, Dozier, Gould, and Jenckes 5; so said resolution is ordered to be reconsidered.

The following communication was received from the Governor—

EXECUTIVE OFFICE, }

TALLAHASSEE, March 4, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN: I have heard with regret that the revenue bill, passed by the House of Representatives, has been rejected in the Senate, and I have been unofficially informed that it is your intention to adjourn sine die to-day. After the long and laborious session in which you have been engaged, and the courtesy and promptitude with which you have attended to my various suggestions, I feel great reluctance in trespassing further on your time, or in delaying your anxious return to your families and your homes. But the imperative necessity which demands your action on our revenue system, will, I am persuaded, offer a sufficient justification for my addressing you again on this subject. I have not seen the bill you have had under consideration and cannot say how far its provisions are required by the present condition of the country, but of this I am assured, any alteration of our present system, if system it may be called, will be an improvement. The inequality of taxation, the irresponsibility of the officers, and the consequent dissipation of the public revenue are evils which demand correction from the representatives of the people. They have reposed their confidence in you and their interest requires your attention. Your Treasury has been exhausted by the expense of the late Convention. There are creditors who have just demands against it, which remain unpaid, while the revenue collected from the people is, in some instances, squandered by faithless agents. There is another subject of all-absorbing interest which is immediately connected with your revenue system. You have at the present session passed an act authorizing the Executive to raise 12 companies for the defence of our bleeding and distressed frontier, which so loudly and feelingly implores your protection, and you have authorized the Governor to negotiate a loan of \$500,000 for the pay and subsistence of your troops, the interest on the loan to be paid semi-annually. Without revenue this cannot be accomplished, and without the confident assurance that the interest will be paid, the loan cannot be negotia-

ted, and the defensive means you have provided for your war-worn and harrassed fellow citizens, who nightly slumber under the shade of the uplifted tomahawk, will prove but a fatal and deceptive hope: I therefore most earnestly desire that the joint resolution requiring the Legislature to adjourn on to-day, may be rescinded, that the Senate may reconsider the vote taken on the revenue bill passed by the House of Representatives, and that if there are any objectionable features in the provisions of the bill, that it may undergo such amendments as will render it acceptable to both Houses, and achieve the important object for which it was designed. A few hours of dispassionate consideration on this subject may produce the most advantageous results to your constituents.

Your fellow citizen,

R. K. CALL,
Governor of Florida.

Which was read and,

On motion of Mr. Blount, said resolution was amended so as to read as follows:

Be it resolved by the Senate and House of Representatives of the Territory of Florida, That the joint resolution providing for the final adjournment of the Legislative Council, on the 2d day of March, be rescinded for the express purpose of enabling the two houses to consider a revenue law, and of enabling the Governor to return the acts of this session which have been submitted to him, also for nominations, and for no other purpose, and that this Legislative Council will adjourn on the 4th day of March, instant.

Adopted by the House of Representatives, March 2d, 1839.

Attest

JOS. B. LANCASTER, Clerk H. R.

And read, and adopted, and transmitted to the Senate for concurrence.

Mr. Wood moved for a reconsideration of the vote amending a resolution passed on Saturday, restricting this House to meet for no other purpose but receiving from the Governor, the acknowledgement of the acts submitted to him for approval or rejection, which motion prevailed.

On motion of Mr. Wood, a select committee is appointed, to go to the Senate, and ask to have said resolution returned; Messrs. Wood and were appointed. The committee returned with said resolution which had been acted on by the Senate, and they had concurred in the amendments passed by the House.

Mr. Wood moved a reconsideration of the amendments in said resolution.

Mr. Blount withdrew his amendments to said resolution, whereby it would remain as adopted by both Houses on Saturday the 2d inst. which is ordered to be certified to the Senate:

The Senate sent the following notification in answer to wit :

A message was received from the House of Representatives, rescinding the resolution to continue in session to-day, which on motion, was unanimously disagreed to by the Senate, and ordered to be certified to the House.

His Excellency the Governor transmitted to the House the following communications :

EXECUTIVE OFFICE, }
Tallahassee, March 2, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN : I have approved and ordered to be deposited in the office of the Secretary, the following acts and resolutions :

"An act to establish a ferry across the Apalachicola river, at or near its junction with the bay of Apalachicola."

"An act to raise a fund by taxation for the education of poor children."

"An act to authorize James M. Harris to build a dam and lock across the St. Marks river."

"An act to create a body corporate and politic by the name of the St. Joseph Chamber of Commerce."

"An act to provide for the appointment of weighers of cotton for the city of Tallahassee and town of St. Marks."

"An act to authorize the Governor of Florida to raise troops for the defence of the frontier, and for other purposes."

"An act to incorporate the city of Pensacola."

"An act to incorporate the Presbyterian Church in Tallahassee."

"An act to amend an act passed January 30th, 1839, entitled an act to incorporate the city of Apalachicola."

"A resolution to allow John P. Duval two thousand dollars for compiling the laws of the Territory."

"A resolution requesting the Delegate in Congress from this Territory to endeavor to procure an appropriation of five thousand dollars to repair the court house in Walton county."

"A resolution requesting certain individuals therein to serve as Delegates to the Convention to be held in Charleston, in April next."

"A resolution requesting the Delegate in Congress from this Territory to endeavor to provide for an additional member of the Legislative Council from the counties of Calhoun, Franklin, and Columbia."

"A resolution requesting our Delegate in Congress to procure the establishment of a Post Office at Eucheeanna, in Walton coun-

ty, and an appropriation of twenty-five hundred dollars to repair the road from Lagrange to Marianna."

"A resolution requesting our Delegate in Congress to endeavor to procure an appropriation of \$5,000 to repair the road from Jacksonville to Rose's Bluff."

R. K. CALL,
Governor of Florida.

EXECUTIVE OFFICE, }
Tallahassee, March 4, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN : I have approved and ordered to be deposited in the office of the Secretary of the Territory, the following acts and resolutions :

"An act to prevent the future exercise of corporate privileges by certain banking corporations."

"An act to alter and fix the terms of the Superior Courts of the Apalachicola District."

"An act to amend the several acts now in force in relation to elections."

"An act to amend the several acts incorporating the town of Marianna."

"An act in relation to public defaulters."

"An act to amend the several acts and in addition to the acts relating to county courts."

"An act to authorize the Brunswick and Florida Rail Road Company to extend their improvements into the Territory of Florida."

"An act to amend the several acts to incorporate the Lake Wimico and St. Joseph Canal and Rail Road Company."

"An act in addition to the military laws now in force."

"An act to incorporate the Bank of Apalachicola."

"An act to alter and fix the terms of the superior courts in the Middle District of Florida."

"An act to amend an act entitled an act to incorporate the St. Andrews and Chipola Canal Company."

"An act for the relief of Major Charles Mapes."

"An act to provide for building a Capitol and for other purposes."

"A resolution in relation to the publication of the laws in force in this Territory."

"A resolution requiring the Auditor to audit and pay certain accounts."

"A resolution requiring the Auditor of the Territory to institute suit against certain defaulting revenue officers."

And I have disapproved and herewith return the act entitled "An act to raise by lottery a sum of money to build a Masonic Hall in the city of Tallahassee, and for other purposes." The means by which the money is proposed to be raised is unworthy of the noble

object of its appropriation. I regard the lottery system as the most pernicious and demoralizing species of gambling, and I cannot give it my sanction, even for the meritorious purpose of erecting a temple dedicated to the holy St. John. I respect the ancient order of free masonry too highly to associate it with the desperate fortune of the gambling table, and should consider the temple of its mystery polluted by such an association; the act is therefore disapproved.

R. K. CALL,
Governor of Florida.

Which were read.

Also, the following:

EXECUTIVE OFFICE,
Tallahassee, March 4, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN: I herewith return a resolution passed by the House of Representatives requesting the Governor to certify and pay certain accounts, &c. With every disposition to comply with the wishes of the House of Representatives, on all proper occasions, I cannot give my sanction to the disagreement which appears to exist between the two Houses on the subject of appropriations. I am unwilling that an adjournment should take place until a harmonious understanding shall have taken place between them. I conceive it mutually due to both Houses, as well as to the country, that a good understanding should prevail between the two branches of the Legislature, and earnestly recommend that the joint committee be required to assemble and endeavor by bill to provide the proper compensation for the officers of each House. It is proper that I should add that I believe some of the payments requested by the House of Representatives to be made are more liberal than the specific appropriations of Congress will permit, and on this ground I could not comply with the request of the House.

R. K. CALL,
Governor of Florida.

Which was read; whereupon Mr. Ferguson offered the following resolution to wit: Resolved that the finance committee from the House of Representatives, confer with the same committee from the Senate, and the two committees together, draft a compensation bill, for the members and officers of each House and that the Senate be informed of the same. The rules of the House being unanimously waived, the above resolution was read and adopted by the House of Representatives, and sent to the Senate; to which the Senate returned for answer, "the Senate do not concur in the above resolution," which is ordered to be certified to the House of Representatives.

Also returned passed without amendment by the Senate a

bill entitled "An act concerning tax collectors and for other purposes," which was ordered to be enrolled.

Mr. Dozier, from the committee on enrollments, reported as correctly enrolled, "An act concerning tax collectors, and for other purposes," which was signed by the Speaker and sent to the Senate.

Mr. Wood moved that a committee be appointed to wait on the Senate and inform them that the House of Representatives have no further business before them, and are ready to adjourn and that the same committee inform the Governor that his communication of this morning has been under consideration and that a resolution was adopted by this House requesting a conference with a committee from the Senate which has been by them rejected; which motion prevailed, and Messrs Wood and Burritt were appointed that committee, and reported as follows:

The committee appointed to wait upon the Senate and his Excellency, the Governor, report that they have performed that duty, and that the Senate in reply state that they will inform the House of Representatives when they are ready to adjourn. They also report that his Excellency, the Governor, was not at the Executive Office and have not waited on him.

E. J. WOOD,
S. L. BURRITT.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
Tallahassee, March 4, 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN: I have approved and ordered to be deposited in the office of the Secretary,

"An act for the relief of William Kelly."

Also, "An act concerning tax collectors, and for other purposes."

R. K. CALL,
Governor of Florida.

Which was read.

The Senate notified the House, through Messrs. Wright and Duval, that those gentlemen were appointed a joint committee on the part of the Senate to unite with a committee of the House of Representatives, to wait on the Governor and inform him, that the Legislative Council is now ready to adjourn sine die. Messrs. Wood and Burritt were the joint committee appointed for the House.

The committee for the House reported that the duty assigned them had been performed, and that they were authorised by the

Governor to say he had no further communication to make to the House, and that they were at liberty to adjourn.

Mr. Dozier was called to the chair, and Mr. Tradewell offered the following resolution to wit:

Resolved unanimously, That the thanks of this House be tendered to the Hon. Edmund L. Drake, for the able, dignified and impartial manner in which he has presided in this House during the present session.

Which was read and unanimously adopted; when the Speaker resumed the chair, and delivered a suitable farewell address to the House.

Mr. Manly offered the following resolution:

Resolved, That the thanks of this House be presented to Jos. B. Lancaster, Esq., the chief clerk thereof, for the able, faithful, and courteous manner in which he has discharged his arduous duties during the present session.

Which was read, and adopted, when Mr. Lancaster returned his thanks to the House for the kindness, with which his labors were appreciated.

The House on motion of Mr. Thigpin then adjourned *sine die*.

APPENDIX

TO THE

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

EXECUTIVE OFFICE, }
TALLAHASSEE, Feb. 7th, 1839. }

To the Senate and House of Representatives of the Legislative
Council of Florida.

GENTLEMEN:—I herewith present the report of the Bank of
Jacksonville, showing the condition of that Institution on the 30th
of the last month.

Respectfully, your obedient servant,

R. K. CALL,
Governor of Florida.

BANK OF JACKSONVILLE, }
JACKSONVILLE, January 30th, 1839. }

To His Excellency, R. K. CALL, Governor of the Territory of
Florida.

SIR:—We herewith beg respectfully to submit the Report of
the Bank of Jacksonville:

Capital Stock paid in,		37,500
Bills issued,	\$54,288 }	13,035
Bills on hand,	41,253 }	
Amount due to individuals,		13,457 66

\$63,993 66

By Notes discounted,	12,636 09
Amount due from individuals,	47,476 52
Profit and loss,	1,210 14
Bills on hand of other Banks,	2,538 91
Specie,	132 00

\$63,993 66

With much respect, we remain,

Your obedient servants,

J. B. MORGAN, President,

EMORY RIDER, Cashier pro tem.

TERRITORY OF FLORIDA, }
County of Duval. }

Personally appeared before me, Stephen Eddy, Justice of the
Peace for said county, J. B. Morgan, President of the Bank of
Jacksonville, and Emory Rider, Cashier pro tem, and being duly
sworn, depose and say, that the within Report to which they have
subscribed their names is correct and true according to the best of
their knowledge and belief.

STEPHEN EDDY,
Justice of the Peace.

REPORTS.

OF THE

UNION & PENSACOLA BANKS,

AND OF THE

SOUTHERN LIFE INSURANCE

AND

TRUST COMPANY.

EXECUTIVE OFFICE,

Tallahassee, January 25th, 1839.

To the Senate and House of Representatives of the
Legislative Council of Florida.

GENTLEMEN :—I transmit for your information, the Reports
of the Union Bank of Florida, the Bank of Pensacola, and the
Southern Life Insurance and Trust Company of St. Augustine,
and the Branch at Apalachicola, exhibiting the condition of
those Institutions, respectively at the close of the past year.

Very respectfully,

R. K. CALL, Governor of Florida.

Semi-annual Statement of January 1, 1839.

BANK OF PENSACOLA IN ACCOUNT WITH SUNDRIES.

Cr.

BANK OF PENSACOLA IN ACCOUNT WITH SUNDRIES.			
Dr.			Cr.
To Capital Stock, Bonds of the Territory,	500,000	By Instalments paid on Rail-Road Stock,	332,840 33
do Instalments paid in on Stock,	106,115	Advances made to Rail-Road Co.,	151,051 07
Notes of the Bank in circulation,	202,455	Cash on hand in Silver,	\$35,910,61
Deposites including those of the Branch,	117,128 54	Gold,	4,386 50
Bank of the United States,	64,531 88	Treasury Notes,	8,828,67
Other Banks,	28,276 33	Notes of other Banks	43,389
Profits,	21,408 26	Northern Funds, equivalent to Specie,	92,514 78
		Due from other Banks,	140,759 33
		Bills Receivable,	38,876 10
		Notes and Bills under Protest,	209,656 04
		Bills remitted for Collection,	46,659 03
		Bank Property,	4,133 08
		Interest on Bonds, Jan. 1, 1839,	4,720 49
		Expences,	13,632 84
			5,071 92
			\$1,039,915 01

JAMES CATLIN, Cashier.

TERRITORY OF FLORIDA, }
Escambia County, Sct.

Personally appeared before me, the undersigned, a Justice of the Peace, for the County aforesaid, Henry Hyer, President of the Bank of Pensacola, and James Catlin, Cashier thereof, and made oath that the foregoing statement of the Bank of Pensacola is true and correct, to the best of their knowledge and belief.

H. CRUPPER, J. P. E. C.

HENRY HYER, President.

Statement of the Union Bank of Florida, as rendered to the Governor and Legislative Council on Tuesday Morning, the 1st January, 1839.

To Stock Notes discounted,	610,154 42	By Old Stock,	1,000,000
Loans on New Stock,	939,289 45	Old Cash Stock,	9,300
“ Old Cash Stock,	3,800 “	New Cash Stock,	136,400
“ New Cash Stock,	13,625 “		
Stock Notes in Suit,	47,703		1,145,700
		Deposits,	553,006 21
Bonds discounted,		Bank Bonds unpaid,	266,400
Loans on Notes payable in Tal-		Bank Bonds for Central Bank Stock unpaid,	28,715
lahassee,	945,305 84	Territorial Bonds disposed of by	
Loans on do “ in Suit,	32,762 65	Jno. G. Gamble, Agent,	547,500
Notes under Protest from Cen-		Due to other Banks,	115,920 39
tral Bank,	9,266 39	“ Central Bank,	58,205 12
		“ Avmar & Co. New York,	40,000
Bills of Exchange Maturing,		“ Hamilton & Co. New York,	2,386 77
Bills of Exchange under Protest	990,334 88	to be applied to Protested Bills,	
Securities deposited in Bank,	104,392 74	Cotton Shipped by Cen. Bank, to	
Bills of Exchange in Suit in	345,331 82	be applied to Protested Bills, &c.	13,599 72
New Orleans,	15,000 “	Certificates of Deposits issued by Central Bank,	620 16
Agency of the Bank at St.		Damages on Bills returned Protested,	93 34
Josephs,		Profit and Loss,	100,661 39
Cotton yet to be settled for,	76,046 70	Discount & Prem.	291,335 69
Protest Account,	2,870 61	Interest on Territorial	
	416 81	Bonds,	60,000

Claims on United States,	14,389 34	In't. Bank,	3,949,93
Seminole Expedition,	1,046 93	Bonds,	
		Ex. of Bank	
Due from other Banks,	15,436 27	And Agency	26,568,33
Banking House and lot,	132,704 82	Circulation of the Bank,	90,518,26
Cash Balance in Specie,	14,989 90		300,817 43
In Notes of other Banks,	104,751 27		551,747
	67,459 “		
			\$3,625,372 43
		Leaving \$200,817,43 surplus profit for the past year, to	
		be applied according to 23d Section of the Charter of the Bank,	
		JOHN PARKHILL, Cashier.	

TERRITORY OF FLORIDA,

County of Leon, Sct.

Personally appeared before me, a Justice of the Peace, in the County and Territory aforesaid, John Parkhill, Cashier of the Union Bank of Florida, and made oath that the annexed statement is correct to the best of his knowledge and belief. He has not had time to examine the Bills and Notes, but nevertheless, believes them correct. Given under my hand this 5th January, 1839.

TURBETT R. BETTON, Justice of the Peace.

Statement of the condition of the St. Augustine Office of the Southern Life Insurance and Trust Company.
December 23d, 1838.

To Stock owned and worth cost,	5,000	By Capital Stock paid in,	520,950
Notes and Bills of Exchange discounted,	117,421 79	Deposites on Trust at Interest,	14,908 79
Loan on Corporation Bonds,	22,000	Individual general Deposites,	47,748 20
Loans on Hypothecation of collateral security,		Dividend account,	102 50
payable on demand,	41,034 42	Draft on time,	2,200
Loans on Mortgage—on Real Estate,	168,291 78	Certificate of Deposit issued,	610
do on Notes to be secured by Mortgage,	6,230 73	Due to sundry Banks,	2,504 23
Due from Apalachicola office,	610,915 47	Office notes issued,	598,500
Personal property,	3,596 70	do on hand,	193,222
Amount due from Banks in New York, Charleston, and Savannah,	25,595 41	S. L. Ins. & Trust Co. notes out, including those on hand at Apalachicola and St. Joseph,	405,278
Amount due from other Banks,	986 14	Profit—Items Suplus Fund,	38,000
Contingent expenses,	25,62 81	Interest Account,	3,973 85
Cash Specie,	30,577 20	Discount Account,	1,721 27
Other good Bank Notes,	8,043	Profit and Loss,	4,258 56
	38,620 20		47,953 68
	<u>\$1,042,255 45</u>		<u>\$1,042,255 45</u>

Consolidated Statements of the Southern Life Insurance and Trust Company, and Branches.
December 26, 1838, and January 5th, 1839.

To Stocks owned and worth Cost,	5,000	By Capital Stock paid in,	520,950
Bills of Exchange and Notes Discounted,	571,485 34	Bills payable during the year 1839,	147,769 80
Loans on Corporation Bonds,	22,000	Drafts on time against Bills maturing,	58,056 76
Loans on Hypothecation of Collateral,	41,034 42	Deposites at Interest,	44,161 34
Loans on Mortgage on Real Estate,	226,766 16	do on Certificates,	28,749 38
do on Notes to be secured by Mortgage,	6,230 73	General Deposites,	120,718 98
Amount due from sundry Banks,	73,193 14	Amounts due to sundry Banks,	40,818 08
Personal Property,	5,394 73	Dividends unpaid,	102 50
Contingent Expense account,	5,878 25	South'n Life Ins. Trust Co. notes issued,	598,500
Suspended Debt,	2,908 97	do do do on hand,	498,728
Over Drafts temporary, to be paid by discounted Bills,	9,739 45	Notes of this Co. in Circulation	99,772
Cash thus noted of other good banks and including items as stated in separate statements,	133,839 74	Profit—items surplus fund,	38,000
Specie,	33,108 30	Interest account,	4,945 45
		Discount do.	6,754 43
		Exchange do.	858 17
		Profit and loss,	24,869 76
		Excess in cash,	75,427 81
			52 58
	<u>\$1136,579 23</u>		<u>\$1136,579 23</u>

TALLAHASSEE, Fla., January 21, 1839.

George Field, Cashier of the Southern Life Insurance and Trust Company, being duly sworn, deposes and says that the within and annexed statements, as to the condition of the said Company and its Branches, are just and true to the best of his knowledge and belief.

GEO. FIELD, Cashier.

Sworn and subscribed before me, this 21st January, 1839.

THOMAS RANDALL, Judge Middle District Fla.

Southern Life Ins. and Trust Co.

Statements of the condition of the Apalachicola and St. Joseph Branches of the Southern Life Insurance and Trust Company, January 5th, 1839.

To Bills of Exchange and Notes Discounted	By Amount Due Southern Life Insurance and Trust Co.	610,915 47
on Personal Security,	Southern Trust Co.	
Loans Secured on Real Estate,	Notes on hand,	305,506 balance due - 305,409 47
Amount Due from Sundry Banks,		
Personal Property,	Bills payable during year 1839,	147,769 80
Contingent Expenses,	Drafts on time due in Feb. March and April,	55,856 76
Suspended Debt,	Deposits at Interest,	29,252 55
Temporary Over Drafts by sundry individuals, to be paid by Discounted Bills,	do on Certificates,	28,139 38
Notes of other (Alabama, Georgia, Carolina, Northern and Florida,) Banks including \$18,986 23, notes of 8 Checks upon Commercial Bank, Florida, and Items equal to Cash,	General Deposits payable on Demand,	72,970 78
Specie,	Due to Sundry Banks,	38,313 80
	Profit and Loss,	20,611 20
	Discount Account,	5,033 16
	Exchange do	858 17
	Interest do	971 60
	Excess in Cash	
		27,474 13
		52 58
		\$705,239 25

REPORTS

OF THE

AUDITOR AND TREASURER,

OF THE

TERRITORY OF FLORIDA.

TREASURY DEPARTMENT, FLORIDA,
OFFICE OF AUDITOR PUBLIC ACCOUNTS Jan. 17th, 1839.
*To the Honorable the Senate and House of Representatives of
the Territory of Florida.*

The undersigned in compliance with law, has the honor to present his annual report of the state of the finances of the Territory.

Statement No. 1, herewith presented, exhibits the annual settlement with the Territorial Treasurer. The balance in the Treasury on the 30th November, 1837, was \$11,593 01
The amount received during the year, from all sources of revenue up to 30th November, 1838 8,439 35

Amounting to \$20,032 36
The payments during the same period amount to 12,304 72

Leaving a balance in the Treasury on the 30th November, 1838, of \$7,727 64

Statement No. 2, exhibits the sources and amounts of revenue returned to this office during the fiscal year ending the 30th November, 1838, and the expenses of criminal prosecutions in the several Judicial Districts.

Statement No. 3 exhibits the amount due the Territory from individuals amounting to \$43,134 45-100. During the past year a number of these balances were certified to the District Attorneys for suit. In several cases the attorneys have reported much difficulty in obtaining the official bonds of the receiving officers and in some that the bond when found was not taken in accordance with the requisitions of law.

Upon resolution No. 18, of the last Council for the relief of the suffering inhabitants of East and West Florida, there has been drawn from the Treasury and expended for that purpose the following sums, viz:

For West Florida \$1,166 18
" East Florida 3,639 37

The several receiving and accounting officers of the revenue are very remiss in making their returns at the periods required by law, and but little regard is paid to circulars from this office.

The report of a committee of the State Convention on the amounts and expences of that body has this morning been received, but has not yet been examined.

L. A. THOMPSON.
Auditor Pub. Accounts.

TREASURER'S REPORT.

(No. 1.)

Statement of Settlement with the Territorial Treasurer, for the
year ending November 30th, 1838.

DR.				CR.			
1837.	To balance re-			1838.	By am't p'd		
Nov. 30.	maining in the			Nov. 30.	on Auditors		
	Treasury at this	11,593 01			Warrants re-		
	date as per settl't.				turned, and	\$11,920 56	
1838.	To am't receiv'd				cancelled.		
Nov. 30.	into the Treasury				By Treasury		
	from all sources of	8,439 35			Notes redeem-	\$257	
	Revenue to date.				ed since last		
					report.		
					By inter-		
					est allowed	\$127 16	
					on Treasury		
					Notes.		
					By balance	\$7,727 64	
		\$ 20,032 36					
	To Balance in Treasury, \$7,727 64					\$20,032 36	

OFFICE AUDITOR PUB. ACCOUNTS, Nov. 30th, 1838.
L. A. THOMPSON.

Statement showing the balances due the Territory, by Receiv
(No. 3.) Officers, &c. 30th Nov. 1838.

NAMES	OFFICES	RESIDENCE	AM'T DUE
J. Pendleton	Tax Collector	Escambia county	487 16
Blyden Van Buren	Auctioneer	do	11,602 70
Michelet & Van Buren	do	do	863 30
Daniel McLeod	Sheriff	Walton county	
Jas. W. Exum	Marshal W. Dist	Jackson county	
Wm. S. Mooring	Tax Collector	do	
A. G. Mays	do	do	
Jac. Sullivan	Auctioneer	do	
H. N. Nowland	do	do	
Thos. M. White	Sheriff	do	
Jos. R. Betton	Auctioneer	Fayette county	
Hez'h. R. Wood	do	Calhoun	
Lako Wimieo & St.	Joseph R. R. Co	do	
Name Unknown	Tax Collector	do	
Jas. D. Bulloch	Auctioneer	Franklin	
John Duncan,	Tax Collector	do	
L. S. Chittenden	Auctioneer	do	
John Endeman	Tax Collector	do	
Name Unknown	do	do	
Robert C. Lester	Clk. Sup. Court	Gadsden county	
Isaac R. Harris	do	do	
T. E. Randolph	Marshal M. Dist.	Leon county	
George K. Walker	District Att'y.	do	
A. M. Alexander	Auctioneer	do	
Tilmah J. French	Tax Collector	do	
Chas. S. Sibley	District Attorney	do	
S. H. Duval	Tax Collector	do	
do	Marshal M. Dist.	do	
Wm. H. Michael	Tax Collector	do	
Estate of Alex'r. Adair	Marshal M. Dist.	do	
Sol. E. Mathers	Sheriff	Jefferson county	
Wm. Budd	Clk. Sup. Court	do	
Francis J. Avie.	Tax Collector	St. Johns county	
Wm. Livingston	do	do	
Estate of Waters Smith	Marshal E. Dist.	do	
Joshua Joiner	Tax Collector	do	
George E. Weaver	Auctioneer	Monroe county	
Ede Van Evour	do	do	
Thomas A. Townsend	do	do	
C. M. Wells	do	do	
Wm. H. Fletcher	do	do	
Weaver & Patterson	do	do	
Joseph B. Browne	do	do	
Daniel C. Hart	Sheriff	Duval county	127 57
A. G. Philips	Tax Collector	do	273 23
John G. Tyner	do	Alachua county	43,134 45

L. A. THOMPSON,
Auditor Public Accounts.

November 30th 1838;

(No. 2.) Statement showing the amount and sources of Revenue returned to this Office, and the expenses of Criminal Prosecutions in each Judicial District, for the year ending Nov. 30th, 1838.

DISTRICTS.	COUNTIES	TAX RETURNS FOR 1837.	TAX RETURNS FOR 1838.	RETURNS OF TAX ON AUCTION SALES.	RETURN OF FINES & FORTFEITURES.	EXP'S. CRIM. PROS. IN JUDICL. DIST.	EXPENDITURES FOR RE- LIEF OF E. & W. FLORIDA.
Western Dist.	Calhoun. Escambia Walton Washington Jackson		576 29 79 55 1,719 73 2,309 68 1,650 37 3,239 75 929 67	7,347 08 1,125 16 65 17 1,319 11 14 63 1,039 23	842 06 763 90		1,166 13
Middle Dist.	Franklin Gadsden Leon Jefferson Madison Hamilton	2,242 57			25 06		
Eastern Dist.	Columbia Alachua Duval Nassau Hillsborough					1,277 14	
Southern Dist.	Dade Monroe	\$2,242 57	\$10,536 04	\$11,791 27	\$867 12	442 13	\$4,805 65

OFFICE AUDITOR PUBLIC ACCOUNT, Nov. 30, 1838.

L. A. THOMPSON.

DEPARTMENT.

Office, Tallahassee Jan. 17, 1839.

Representatives of the Territory of

as the honor to present his annual
the transactions in his department dur-
and leaving a balance in the Treasury of
hundred and twenty seven dollars and sixty-
ve of the School Land Fund.

nts remaining open on the books of the Treasury
the late commissioners of the Tallahassee fund,
n hundred and twenty two dollars and forty-three
in a train for collection, and the other against
of several years' standing, amounting to eight
one dollars and thirty-four cents.

er's books exhibit (excepting the two accounts a-
the receipts and disbursements of money, the
ditor will contain all other information with regard
s of the Territory.

in the School Land Fund for the past year,
ve to refer to his special report on that

T. H. AUSTIN,

Treasurer.

The Territory of Florida in account current w (DR.) Austin, Treasurer.

To Exp's. Pros. Crim's. Southern Dist.			By Balance Cas in Treasury on th 30th Nov. 1837.	
Pd Aud's War't No. 47	105 00		Revenue,	
" do do " 48	259 59		Rec'd on	
" do do " 65	77 63	442 13	Certificate	
Exp's Treasury Dep't.				
Pd Aud's War't No. 49	100 00		do	
" do do " 72	3 50		do	
" do do " 91	30 00		do	
" do do " 92	2 00		do	
" do do " 95	100 00		do	
" do do " 96	24 00		do	
" do do " 97	50 00	309 50	do	
Exp's Pros. Crims. Wes tern Dist.			do	
Pd Aud's War't No 63	20 25		Auc	
" do do " 18	2 25		Rec	
" do do " 66	25 15		Ce	
" do do " 393	11 25			
" do do " 101	200 00			
" do do " 103	73 50			
" do do " 111	33 00	365 40		
Exp's Pros. Crims. M.D.				
Pd Aud's War't. No. 44	99 75			
" do do " 45	6 00			
" do do " 59	9 00			
Pd Aud's War't. No 61	42 00			
" do do " 60	123 00			
" do do " 64	40 00			
" do do " 67	6 25			
" do do " 68	56 25			
" do do " 70	62 34			
" do do " 71	24 00			
" do do " 83	438 23			
" do do " 84	5 87			
" do do " 85	236 00			
" do do " 89	18 75			
" do do " 90	37 25			
" do do " 100	12 00			
" do do " 86	9 50			
" do do " 105	9 25	1235 44		
Exp's Pros. Crim's East. District.				
Pd Aud's War't No 104	13 44			
" do do " 53	6 50			
" do do " 54	13 50			
" do do " 55	9 00			
" do do " 56	12 00			
" do do " 57	425 00			
" do do " 69	62 25	541 69		
Arrears due by Territory Pd Aud's W. No 125			8 00	
Agences Census, 1837,				
Pd Aud's War't No 58	39 28	70 95		
Pd Aud's War't " 62	31 67			
			2,973 11	

20,032,36

Florida in account current with Thomas H
Austin, Treasurer. (CR.)

[illegible]

Treasury on the 30th
Land Fund,

Land Fund.

in School Land Fund, on the 5th N

TFOS. 11.

Office 2114

the accounts of Thos. H. Austin, Treasurer, have been compared with his vouchers and found correct, and is therefore

L. A. 7716

1 2 3 5 6